FEDERAL REGISTER

VOLUME 18 NUMBER 75

Washington, Saturday, April 18, 1953

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10446

SPECIFICATION OF LAWS FROM WHICH THE ESCAPEE PROGRAM ADMINISTERED BY THE DEPARTMENT OF STATE SHALL BE EXEMPT

By virtue of the authority vested in me by section 532 of the Mutual Security Act of 1951, as added by section 7 (m) of the Mutual Security Act of 1952 (Public Law 400, approved June 20, 1952, 66 Stat. 146) it is hereby determined that the performance of functions with respect to the escapee program, authorized by the Mutual Security Act of 1951, as amended, and administered by the Department of State, without regard to the three following-designated provisions of law will further the purposes of the said Mutual Security Act of 1951, as amended:

1. Section 3648 of the Revised Statutes, as amended, 60 Stat. 809 (31 U. S. C. 529)

2. Section 305 of the Federal Property and Administrative Services Act of 1949, approved June 30, 1949, ch. 288, 63 Stat. 396 (41 U. S. C. 255)

3. Section 3709 of the Revised Statutes, as amended (41 U. S. C. 5)

This order supersedes Executive Order No. 10410 of November 14, 1952, entitled "Specification of Laws from which the Escapee Program Administered by the Department of State Shall be Exempt."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
April 17 1953.

[F. R. Doc. 53-3517; Filed, Apr. 17, 1953; 10:56 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 481]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.588 *Lemon Regulation 481*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F R. 3612) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on April 15, 1953; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the de-

(Continued on p. 2211)

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EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

clared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 19, 1953, and ending at 12:01 a. m., P. s. t., April 26, 1953, is hereby fixed as follows:

(i) District 1. Unlimited movement;

(ii) District 2: 400 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 16th day of April 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: Apr. 12, 1953]

DISTRICT NO. 2

[12:01 a. m. Apr. 19, 1953, to 12:01 a. m. May 3, 1953]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.835
American Fruit Growers, Inc., Fullerton	1.128
American Fruit Growers, Inc., Upland	.042
Consolidated Lemon Co	1.913
Hazeltine Packing Co	.824
Ventura Coastal Lemon Co	1.716
Ventura Pacific Co	1.653
Chula Vista Mutual Lemon Association	.623
Index Mutual Association	.569
La Verne Cooperative Citrus Association	4.124
Ventura County Orange & Lemon Association	1.659
Glendora Lemon Growers Association	2.312
La Verne Lemon Association	.833
La Habra Citrus Association	1.935
Yorba Linda Citrus Association, The	.974
Escondido Lemon Association	3.780
Cucamonga Mesa Growers	2.229
Etiwanda Citrus Fruit Association	451
San Dimas Lemon Association	2.584
Upland Lemon Growers Association	8.433
Central Lemon Association	1.167
Irvine Citrus Association	781
Placentia Mutual Orange Association	1.504
Corona Citrus Association	.666
Corona Foothill Lemon Co	2.870
Jameson Co	1.280
Arlington Heights Citrus Co	1.621
College Heights Orange & Lemon Association	3.631
Chula Vista Citrus Association, The	.843
Escondido Cooperative Citrus Association	.293
Fallbrook Citrus Association	2.359
Lemon Grove Citrus Association	.611
Carpinteria Lemon Association	1.269
Carpinteria Mutual Citrus Association	1.271
Goleta Lemon Association	1.969
Johnston Fruit Co	3.232
North Whittier Heights Citrus Association	1.190
San Fernando Heights Lemon Association	3.505
Sierra Madre-Lamanda Citrus Association	1.235
Briggs Lemon Association	1.440
Culbertson Lemon Association	702
Fillmore Lemon Association	1.455
Oxnard Citrus Association	3.493
Rancho Sespe	1.018
Santa Clara Lemon Association	2.475
Santa Paula Citrus Fruit Association	2.333
Saticoy Lemon Association	1.769
Seaboard Lemon Association	3.851
Somis Lemon Association	2.859
Ventura Citrus Association	705
Ventura County Citrus Association	.234
Limoneira Co	1.877
Teague-McKevett Association	.547
East Whittier Citrus Association	1.670
Murphy Ranch Co	2.185
Dunning Ranch	.030
Far West Produce Distributors	.624
Huarte, Joseph D	.016
Latimer, Harold	.053
Paramount Citrus Association, Inc	.639
Santa Rosa Lemon Co	.187
Torn Ranch	.092

[F. R. Doc. 53-3482; Filed, Apr. 17, 1953; 9:03 a. m.]

PART 982—MILK IN THE CENTRAL WEST TEXAS MARKETING AREA

ORDER AMENDING ORDER REGULATING HANDLING

§ 982.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central West Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for milk in the marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity,

specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective immediately. This action is necessary to reflect current marketing conditions, and to facilitate, promote, and maintain the orderly marketing of milk produced for the Central West Texas marketing area. The changes effected by this order amending the order do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing it is hereby found that good cause exists for making this order effective immediately (sec. 4 (c) Administrative Procedure Act, 5 U. S. C. 1003 (c))

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order which is marketed within the Central West Texas marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that;

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period (February 1953) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Central West Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, and the aforesaid order is hereby amended as follows:

1. Amend § 982.51 by inserting the following proviso following the colon preceding paragraph (a) of such section: "*Provided,* That from the effective date of April 14 through July 1953, the minimum price per hundredweight for such milk used in the production of cheddar cheese shall be the average of the prices paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers at the Dairy Gold Creamery, Ballinger, Texas, Triangle Cheese Company, Stephenville, Texas, and the Farmers Marketing Association, Inc., Muenster, Texas."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 14th day of April 1953 to be effective immediately.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-3382; Filed, Apr. 17, 1953; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 1-2]

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

CERTIFICATION OF AIRCRAFT AND RELATED PRODUCTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 9th day of April 1953.

This amendment contains revisions which are intended to facilitate administration of and to clarify a number of provisions pertaining to type certificates and production certificates. The most notable revision provides for delegation of inspection responsibilities, borne entirely by the Administrator in the past, to the manufacturer for products manufactured under the terms of a type certificate only. It consists of the addition of a new paragraph (d) to § 1.15 requiring manufacturers, producing products without a production certificate, to establish approved production inspection systems after six months from the date of issuance of the type certificate.

Other substantive revisions entail amendments to §§ 1.36, 1.37, and 1.38. These amendments are intended to clarify these sections with respect to the data which is to be submitted to the Administrator concerning the quality control system and subsidiary manufacturers. For the most part, these changes bring these sections into conformity with the procedures followed under the present regulations by prescribing in greater detail the data to be submitted.

In addition, there are a number of changes of an editorial nature in order to clarify the intent of the provisions of this part.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 1 of the Civil Air Regulations (14 CFR Part 1, as amended) effective May 16, 1953:

1. By amending § 1.15 (a) by inserting after the word "inspections" the following clause "and, in the case of aircraft, flight tests"

2. By amending § 1.15 by changing the title to read *Inspections and tests* and by adding a new paragraph (d) to read as follows:

§ 1.15 *Inspections and tests.* * * *

(d) A manufacturer producing a product under the terms of a type certificate without a related production certificate shall provide, for products manufactured after six months from the date of issuance of the type certificate, a production inspection system approved by the Administrator which will give assurance that each article produced is in conformity with the type design and is in a condition for safe operation.

3. By amending § 1.22 by deleting the phrase "by an authorized representative of the Administrator" and substituting in lieu thereof the phrase "in accordance with a method acceptable to the Administrator."

4. By amending § 1.32 by deleting the reference "§§ 1.33 through 1.37." and substituting in lieu thereof "§§ 1.33 through 1.36."

5. By amending 1.36 to read as follows:

§ 1.36 *Quality control data requirements; prime manufacturer* The applicant shall submit for approval by the Administrator, as evidence of his ability to control the quality of any product for which he requests a production certificate, data describing the inspection and test procedures necessary to insure that each article produced is in conformity with the type design and is in a condition for safe operation. The data submitted shall include such of the following as are applicable to the product involved.

(a) A statement describing assigned responsibilities and delegated authority of the quality control organization, together with a chart indicating the functional relationship of the quality control organization to management and to other organizational components and indicating the chain of authority and responsibility within the quality control organization.

(b) A description of inspection procedures applying to raw materials, outside purchased items, and parts and assemblies produced by subsidiary manufacturers. The information shall include the methods used to insure acceptable quality of parts and assemblies which cannot be completely inspected for conformity and quality when delivered to the prime manufacturer's plant.

(c) A description of the methods used for production inspection of individual parts and complete assemblies, including the identification of any special manufacturing processes involved, the description of the means used to control such processes, a description of the final test procedure for the complete product, and, in the case of aircraft, a copy of the manufacturer's production flight test procedure and checkoff list.

(d) An outline of the materials review system, including the procedure for recording review board decisions and disposing of rejected parts.

(e) An outline of a system by means of which company inspectors are kept currently informed regarding changes in engineering drawings, specifications, and quality control procedures.

(f) A list or chart showing location and type of inspection stations.

6. By amending § 1.37 to read as follows:

§ 1.37 *Information on subsidiary manufacturers.* The prime manufacturer shall make available information regarding all major inspections accomplished by a subsidiary manufacturer for acceptance of parts or assemblies for which the prime manufacturer is responsible.

7. By amending § 1.38 to read as follows:

§ 1.38 *Changes in quality control system.* Subsequent to the issuance of a production certificate, any changes to the quality control system shall be subject to review by the Administrator. The holder of a production certificate shall immediately notify the Administrator in writing of any such changes affecting the data prescribed in § 1.36.

8. By amending § 1.43 by changing the title to read *Inspections and tests* and by adding after the word "inspections" the following clause "and, in the case of aircraft, flight tests"

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended; 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53-3374; Filed, Apr. 17, 1953; 8:57 a. m.]

[Civil Air Reg., Amdt. 3-10]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 9th day of April 1953.

In recent years considerable study has been devoted to Part 3 with respect to its applicability to large airplanes. These studies, in the light of past experience, indicate that Part 3 with the various changes made to it during recent years would not result in an acceptable level of safety for future designs of relatively large airplanes irrespective of their use. Therefore, § 3.0 is amended to limit the future applicability of Part 3 to airplanes having a maximum weight of 12,500 pounds or less. This weight demarcation between small and large airplanes is consistent with the Board's economic regulations and with other parts of the Civil Air Regulations.

In addition, § 3.777 is amended to eliminate the requirement for an Airplane Flight Manual for airplanes of 6,000 pounds or less. Instead, such information as is normally contained in the flight manual will now be required to be made available in the form of placards, markings, or manuals.

In addition to the foregoing substantive amendments, there are also a number of changes to Part 3 which are of an editorial and clarifying nature.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 3 of the Civil Air Regulations (14 CFR Part 3, as amended) effective May 16, 1953:

1. By amending § 3.0 by adding before the first sentence a new sentence to read as follows: "This part shall not be applicable to airplanes having maximum weights of more than 12,500 pounds for which application for type certificate is made after March 31, 1953"

2. By amending § 3.1 (a) (3) by adding the following reference: "(See § 3.18.)"

3. By amending § 3.15 (c) to read as follows:

§ 3.15 *Inspections and tests.* * * *

(c) All manufacturing processes, construction, and assembly are as specified in the type design.

4. By amending Figure 3-12 (a) by interchanging in the third column the expressions "*n*Wb'/d'" and "*n*Wa'/d'"

5. By amending § 3.301 by deleting the words "ANC-5 and ANC-18" and substituting in lieu thereof the words "ANC-5, ANC-18, and ANC-23, Part II"

6. By amending the note following § 3.301 to read as follows:

NOTE: ANC-5, "Strength of Metal Aircraft Elements," ANC-18, "Design of Wood Aircraft Structures," and ANC-23, "Sandwich Construction for Aircraft," are published by the Subcommittee on Air Force-Navy-Civil Aircraft Design Criteria, and may be obtained from the Superintendent of Documents, Government Prining Office, Washington 25, D. C.

7. By amending § 3.606 (d) to read as follows:

§ 3.606 *Induction system de-icing and anti-icing provisions.* * * *

(d) Airplanes equipped with sea level engines employing carburetors which embody features tending to reduce the possibility of ice formation shall be provided with a sheltered alternate source of air. The preheat supplied to this alternate air intake shall be not less than that provided by the engine cooling air downstream of the cylinders.

8. By amending § 3.655 (d) (2) to read as follows:

§ 3.655 *Required basic equipment.* * * *

(d) *Miscellaneous equipment.* * * *

(2) Airplane Flight Manual if required by § 3.777.

9. By amending § 3.716 to read as follows:

§ 3.716 *Rafts and life preservers.* Rafts and life preservers shall be of an approved type.

10. By amending § 3.750 by deleting the reference: "(See Parts 42 and 43 of this chapter.)" and substituting in lieu thereof the following: "(See the appropriate operating parts of the Civil Air Regulations.)"

11. By amending § 3.770 to read as follows:

§ 3.770 *Operating limitations placard.* A placard shall be provided in clear view of the pilot stating: "This airplane must be operated as a _____ or _____ category airplane in compliance with the operating limitations stated in the form of placards, markings, and manuals."

12. By amending § 3.777 by designating the present text as paragraph (a) and by adding the following clause at the end of the first sentence: "having a maximum certificated weight of more than 6,000 pounds."

13. By amending § 3.777 by adding a new paragraph (b) to read as follows:

§ 3.777 *Airplane Flight Manual.* * * *

(b) For airplanes having a maximum certificated weight of 6,000 pounds or less an Airplane Flight Manual is not required; instead, the information prescribed in this part for inclusion in the Airplane Flight Manual shall be made available to the operator by the manufacturer in the form of clearly stated placards, markings, or manuals.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended; 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53-3375; Filed, Apr. 17, 1953; 8:57 a. m.]

[Civil Air Regs., Amdt. 4b-8]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 9th day of April 1953.

This amendment contains a number of important substantive changes to the Civil Air Regulations.

Section 4b.231 is amended to change the structural provisions concerning level landing conditions. This amendment adds a new level landing condition which takes into account landing gear spring-back loads.

Sections 4b.353, 4b.358, 4b.471, 4b.473, 4b.474, 4b.476, 4b.460, and 4b.611 and Figures 4b-16, 4b-17, and 4b-23 are amended to change the present provisions concerning cockpit standardization. These changes bring the present provisions into general conformity with the standards adopted by the Munitions Board and the Society of Automotive Engineers.

Sections 4b.261, 4b.361, 4b.645, and 4b.646 are amended to change the present provisions for airplane design and equipment installations when airplanes are certificated for ditching. These amendments not only clarify but also expand the requirements by specifying in greater detail the standards relating to the design and installation of ditching equipment. Although these provisions prescribe the type of equipment to be installed, the amount of such equipment to be carried is not specified but may be determined by reference to the operating rules applicable to the number of persons carried and the routes to be flown.

Section 4b.371 is amended to change the design provisions relating to ventilation of the airplane. This change requires that a means be provided for regulating the quantity and temperature of ventilating air in crew compartments independently of the quantity and temperature of the air in other compartments.

Section 4b.418 is amended to change the design provisions relating to fuel flow between interconnected fuel tanks. This amendment requires that fuel tank vents and the fuel transfer system be so designed as to preclude structural damage to the fuel tanks in the event of overfilling.

Sections 4b.401, 4b.484, and 4b.487 are amended to change the powerplant fire protection provisions. These amendments will require newly certificated airplanes to be equipped with both a fire extinguisher system in zone 1 and fireproofed nacelle skin in zone 3. Airplanes manufactured after June 30, 1954, will be required to have fire-resistant lines in the propeller feathering systems and either the fire extinguishing system in zone 1 or fireproof nacelle skin in zone 3.

Section 4b.604 is amended to change the equipment provisions relating to powerplant instruments. The two amendments to this section require a power indicating device for all engines of 2,000 cu. in. displacement or more and a reverse position indicator for each reversible propeller.

Section 4b.612 is amended to change the provisions relating to the installation of air-speed indicating systems. This amendment requires ground calibration of the air-speed indicator.

Section 4b.632 is amended to change the provisions relating to the installation of the position light system on airplanes. This amendment changes the frequency of flashing position lights from a range of 36 to 60 to a range of 65 to 85 cycles per minute for the purpose of improving conspicuity. In making this change of flashing frequency, it became necessary to change the dual circuit requirement of this section because the change in flashing frequency if used with the present circuits would in effect double the flashing frequency of the rear position lights.

Section 4b.637 is added to the present provisions relating to the installation of anti-collision lights on airplanes. This new section is an optional provision and establishes broad standards for such lights. The section is intended to define the limitations considered desirable for standardization. Since some airplanes have already been equipped with these lights under the authorization of a presently effective Special Civil Air Regulation, it is the intent of this amendment to provide a standard broad enough to encompass substantially all of these existing lights. A new Special Civil Air Regulation is being promulgated simultaneously with this amendment to permit further experimentation, on a limited number of airplanes, with exterior lighting systems which might deviate from the standards contained in this part.

In addition to the foregoing, there are a number of amendments of an editorial and clarifying nature.

Interested persons have been afforded an opportunity to participate in the making of the foregoing amendments, and due consideration has been given to all relevant matter presented.

In addition, § 4b.338 is amended by deleting paragraphs (a) and (b) This change was made for the purpose of deleting extraneous provisions relating to the installation of skis on airplanes. Since the installation provisions of paragraph (a) are now covered in Technical Standard Orders and the test provisions of paragraph (b) are covered by the tests provided in §§ 4b.130 through 4b.190, this change is merely for clarity and consistency with other sections.

Sections 4b.117, 4b.170, 4b.231, and 4b.338 are amended for the purpose of interpretation or editorial correction, and notice and public procedure thereon are unnecessary.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 4b of the Civil Air Regulations (14 CFR Part 4b, as amended) effective May 16, 1953:

1. By amending the table of contents by deleting the heading "Personnel and Cargo Accommodations" immediately preceding § 4b.340 and substituting in lieu thereof the heading "Hulls and Floats"

2. By amending § 4b.1 (a) (3) by adding the following reference: "(See § 4b.18.)"

3. By amending § 4b.1 (f) (5) (i) by deleting the word "or" and substituting in lieu thereof the word "and"

4. By amending § 4b.15 (c) to read as follows:

§ 4b.15 *Inspections and tests.* * * *

(c) All manufacturing processes, construction, and assembly are as specified in the type design.

5. By amending § 4b.115 by designating the text of the first paragraph as paragraph (a)

6. By amending § 4b.170 (a) by deleting the word "land" and substituting in lieu thereof the word "landing"

7. By amending § 4b.210 by deleting from the first sentence the words "for which certification is desired" and substituting in lieu thereof the words "selected by the applicant"

8. By amending the title of Figure 4b–2 to read as follows: "Maneuvering envelope"

9. By amending the title of Figure 4b–3 to read as follows: "Gust envelope"

10. By amending § 4b.231 (a) by deleting from the second sentence the word "two" and substituting in lieu thereof the word "three"

11. By amending § 4b.231 (a) by adding a new subparagraph (3) to read as follows:

§ 4b.231 *Level landing conditions.*— (a) *General.* * * *

(3) *Condition of maximum spring-back load.* Forward-acting horizontal loads resulting from a rapid reduction of the spin-up drag loads shall be combined with the vertical ground reactions at the instant of the peak forward load. It shall be acceptable to apply this condition only to the landing gear and the directly affected structure.

12. By amending § 4b.231 (b) by deleting the words "paragraphs (a) (1) and (a) (2)" and substituting in lieu thereof the words "paragraph (a)"

13. By amending § 4b.231 (c) (1) by deleting the second sentence and substituting in lieu thereof the following: "The conditions specified in paragraph (a) of this section shall be investigated."

14. By amending § 4b.231 (c) (2) by deleting the last sentence and substituting in lieu thereof the following: "The conditions specified in paragraph (a) of this section shall be investigated, except that in conditions (a) (1) and (a) (3) it shall be acceptable to investigate the nose and main gear separately neglecting the pitching moments due to wheel spin-up and spring-back loads, while in condition (a) (2) the pitching moment shall be assumed to be resisted by the nose gear."

15. By amending § 4b.261 to read as follows:

§ 4b.261 *Structural ditching provisions.* (For structural strength considerations of ditching provisions see § 4b.361 (c).)

16. By amending § 4b.306 (c) to read as follows:

§ 4b.306 *Material strength properties and design values.* * * *

(c) ANC–5, ANC–18, and ANC–23, Part II values shall be used unless shown to be inapplicable in a particular case.

NOTE: ANC–5, "Strength of Metal Aircraft Elements," ANC–18, "Design of Wood Aircraft Structures," and ANC–23, "Sandwich Construction for Aircraft," are published by the Subcommittee on Air Force-Navy-Civil Aircraft Design Criteria, and may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

17. By amending § 4b.338 by deleting paragraphs (a) and (b)

18. By amending § 4b.353 (c) by adding the following phrase at the end of the first sentence: "with the seat belt fastened."

19. By amending § 4b.353 (e) to read as follows:

§ 4b.353 *Controls.* * * *

(e) The wing flap (or auxiliary lift device) and landing gear controls shall comply with the following:

(1) The wing flap control shall be located on top of the pedestal aft of the throttle(s) centrally or to the right of the pedestal centerline and shall be not less than 10 inches aft of the landing gear control.

(2) The landing gear control shall be located to the left of the pedestal centerline.

20. By amending § 4b.353 (f) to read as follows:

§ 4b.353 *Controls.* * * *

(f) The control knobs shall be shaped in accordance with Figure 4b–22, and such knobs shall be of the same color, but of a color in contrast with that of

not only the other control knobs but also the surrounding cockpit.

NOTE: Figure 4b-22 is not intended to indicate the exact size or proportion of the control knobs.

21. By amending Figure 4b-16 by changing the movement and actuation for flaps (or auxiliary lift devices) to read as follows: "Forward for flaps up; rearward for flaps down"

22. By amending Figure 4b-17 by changing the movement and actuation for mixture controls to read as follows: "Forward or upward for rich"

23. By amending Figure 4b-17 by changing the movement and actuation for carburetor air heat to read as follows: "Forward or upward for cold"

24. By amending Figure 4b-17 by adding to the movement and actuation for supercharger controls the following sentence: "In the case of turbo-superchargers, forward, upward, or clockwise to increase pressure."

25. By amending § 4b.358 (b) (1) (ii) by deleting the phrase "in the fore-n-aft direction"

26. By amending § 4b.361 to read as follows:

§ 4b.361 *Ditching.* Compliance with this section is optional. The requirements of this section are intended to safeguard the occupants in the event of an emergency landing during overwater flight. When compliance is shown with the provisions of paragraphs (a) through (c) of this section and with the provisions of §§ 4b.362 (d) 4b.645, and 4b.646, the type certificate shall include certification to that effect. When an airplane is certificated to include ditching provisions, the recommended ditching procedures established on the basis of these requirements shall be set forth in the Airplane Flight Manual (see § 4b.742 (d))

(a) All practicable design measures compatible with the general characteristics of the type airplane shall be taken to minimize the chance of any behavior of the airplane in an emergency landing on water which would be likely to cause immediate injury to the occupants or to make it impossible for them to escape from the airplane. The probable behavior of the airplane in a water landing shall be investigated by model tests or by comparison with airplanes of similar configuration for which the ditching characteristics are known. In this investigation account shall be taken of scoops, flaps, projections, and all other factors likely to affect the hydrodynamic characteristics of the actual airplane.

(b) It shall be shown that under reasonably probable water conditions the flotation time and trim of the airplane will permit all occupants to leave the airplane and to occupy the life rafts required by § 4b.645. If compliance with this provision is shown by buoyancy and trim computations, appropriate allowances shall be made for probable structural damage and leakage.

NOTE: In the case of fuel tanks which are equipped with fuel jettisoning provisions and which can be reasonably expected to withstand a ditching without leakage, the jettisonable volume of fuel may be considered as buoyancy volume.

(c) External doors and windows shall be designed to withstand the probable maximum local pressures, unless the effects of the collapse of such parts are taken into account in the investigation of the probable behavior of the airplane in a water landing as prescribed in paragraphs (a) and (b) of this section.

27. By amending the note to § 4b.371 (a) by deleting the words "A fresh" and substituting in lieu thereof the words "An outside"

28. By amending § 4b.371 by adding a new paragraph (e) to read as follows:

§ 4b.371 *Ventilation.* * * *

(e) Means shall be provided to enable the crew to control the temperature and quantity of ventilating air supplied to the crew compartment independently of the temperature and quantity of ventilating air supplied to other compartments.

29. By amending § 4b.383 by adding at the end of paragraph (a) and of paragraph (b) (1) the following reference: "(See § 4b.380 (c) for protective-breathing requirements.)"

30. By amending § 4b.383 (c) by deleting from the first sentence the word "categories" and substituting in lieu thereof the word "classifications"

31. By amending § 4b.386 (a) by deleting the reference "§§ 4b.480 through 4b.490" and substituting in lieu thereof the reference "§§ 4b.480 through 4b.486 and § 4b.489"

32. By amending § 4b.401 (c) by adding in the last sentence after the words "the feathering lines" the phrase "on all airplanes manufactured after June 30, 1954,"

33. By amending § 4b.418 by designating the present text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 4b.418 *Flow between interconnected tanks.* * * *

(b) If it is possible to pump fuel from one tank to another in flight, the design of the fuel tank vents and the fuel transfer system shall be such that structural damage to tanks will not occur in the event of overfilling.

34. By amending § 4b.453 by deleting the first sentence and inserting in lieu thereof the following: "A take-off cooling test shall be conducted to demonstrate cooling during take-off and during subsequent climb with one engine inoperative."

35. By amending § 4b.471 (c) to read as follows:

§ 4b.471 *Throttle and ADI system controls.* * * *

(c) If an antidetonant injection system is provided, the flow of ADI fluid shall be automatically controlled in relation to the amount of power produced by the engine. In addition to the automatic control, a separate control shall be provided for the ADI pumps.

36. By amending § 4b.473 (c) to read as follows:

§ 4b.473 *Mixture controls.* * * *

(c) The mixture controls shall be placed in a location accessible to both pilots, except where a separate flight engineer station with a control panel is provided, in which case the mixture controls shall be accessible to the flight engineer.

37. By amending § 4b.474 (a) (3) to read as follows:

§ 4b.474 *Propeller controls.* * * *

(a) *Propeller speed and pitch controls.* * * *

(3) Propeller speed and pitch control(s) shall be placed to the right of the pilot's throttle and shall be at least 1 inch lower than the throttle controls.

38. By amending § 4b.476a to read as follows:

§ 4b.476a *Supercharger controls.* Supercharger controls shall be accessible to the pilots, except where a separate flight engineer station with a control panel is provided, in which case they shall be accessible to the flight engineer.

39. By amending § 4b.483 to read as follows:

§ 4b.483 *Lines and fittings.* All lines and fittings carrying flammable fluids or gases in designated fire zones shall comply with the provisions of paragraphs (a) through (c) of this section.

(a) Lines and fittings which are under pressure, or which attach directly to the engine, or which are subject to relative motion between components shall be flexible, fire-resistant lines with fire-resistant end fittings of the permanently attached, detachable, or other approved type. The provisions of this paragraph shall not apply to those lines and fittings which form an integral part of the engine.

(b) Lines and fittings which are not subject to pressure or to relative motion between components shall be of fire-resistant materials.

(c) Vent and drain lines and fittings shall be subject to the provisions of paragraphs (a) and (b) of this section, unless a failure of such line or fitting will not result in, or add to, a fire hazard.

40. By amending § 4b.484 (a) (1) to read as follows:

§ 4b.484 *Fire extinguisher systems—*

(a) *General.* (1) Fire extinguisher systems shall be provided to serve all designated fire zones. This requirement shall be effective with respect to applications for type certificates in accordance with the provisions of § 4b.12. In addition, all other airplanes manufactured after June 30, 1954, shall comply with this requirement, unless the engine power section is completely isolated from the engine accessory section by a fireproof diaphragm complying with the provisions of § 4b.488 and unless the cowling and nacelle skin comply with the provisions of § 4b.487, in which case fire extinguisher systems need not be provided in the engine power section.

41. By amending § 4b.484 by deleting paragraph (a) (3) and making the text of this subparagraph (3) the first sen-

tence of paragraph (e) and by redesignating the present paragraph (a) (4) as paragraph (a) (3)

42. By amending § 4b.486 (a) by deleting the word "engine"

43. By amending § 4b.487 by changing the title and by adding a new paragraph (e) to read as follows:

§ 4b.487 *Cowling and nacelle skin.* * * *

(e) The airplane shall be so designed and constructed that fire originating in the engine power or accessory sections cannot enter, either through openings or by burning through external skin, into any other zone of the nacelle where such fire would create additional hazards. If the airplane is provided with a retractable landing gear, this provision shall apply with the landing gear retracted. Fireproof materials shall be used for all nacelle skin areas which might be subjected to flame in the event of a fire originating in the engine power or accessory sections.

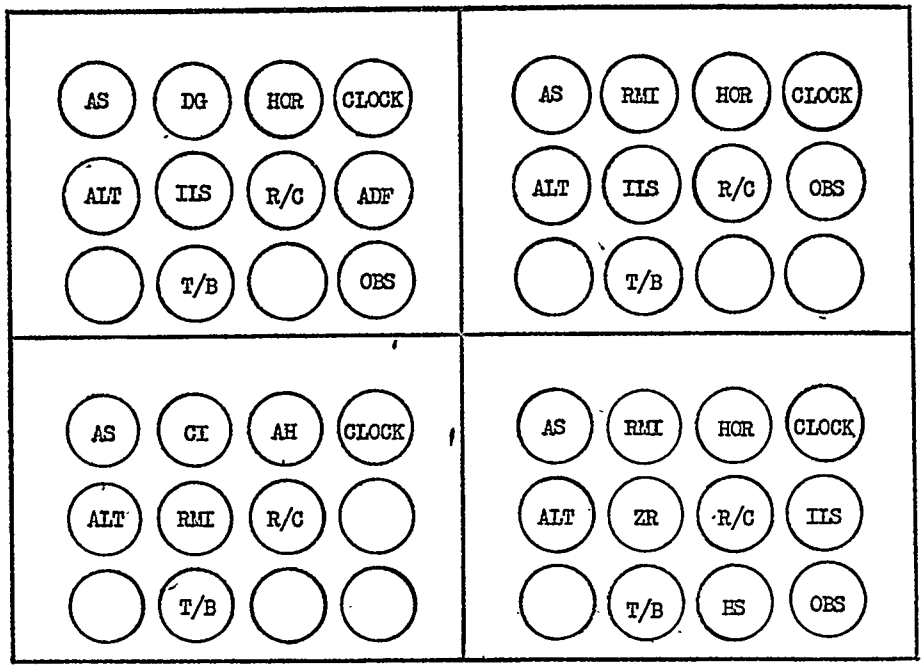
44. By amending § 4b.604 (m) by adding the following clause at the end of the paragraph: "or if the total engine cylinder displacement is 2,000 cubic inches or more."

45. By amending § 4b.604 by adding a new paragraph (n) to read as follows:

§ 4b.604 *Powerplant instruments.* * * *

(n) A means for each reversing propeller to indicate to the pilot when the propeller is in reverse pitch.

46. By amending Figure 4b-23 to read as follows:



ADF—Automatic direction finder.
AH—Approach horizon.
ALT—Altimeter.
AS—Air speed.
CI—Course indicator.
DG—Direction gyro.
HOR—Artificial horizon (bank and pitch).
HS—Heading selector.
ILS—Instrument landing system.
OBS—Omni-bearing selector.
R/C—Rate of climb.
RMI—Radio magnetic indicator.
T/B—Turn and bank.
ZR—Zero reader.

FIGURE 4b-23—BASIC FLIGHT INSTRUMENT PANEL ARRANGEMENT.

47. By amending § 4b.611 (b) to read as follows:

§ 4b.611 *Arrangement and visibility of instrument installations.* * * *

(b) Flight instruments required by § 4b.603 shall be grouped in accordance with one of the flight instrument panels in Figure 4b-23 dependent upon which instruments are installed. The panel shall be centered as nearly as practicable about the vertical plane of the pilot's forward vision. The required flight instruments not shown in Figure 4b-23 shall be placed adjacent to the prescribed grouping.

48. By amending § 4b.612 (a) (2) to read as follows:

§ 4b.612 *Flight and navigational instruments*—(a) *Air-speed indicating systems.* * * *

(2) The air-speed indicating system shall be calibrated to determine the system error, i. e., the relation between IAS and CAS, in flight and during the accelerated take-off ground run. The ground run calibration shall be obtained from 0.8 of the minimum value of V_1 to the maximum value of V_2, taking into account the approved altitude and weight range for the airplane. In the ground run calibration, the flap and power settings shall correspond with the values determined in the establishment of the take-off path under the provisions of § 4b.116, assuming the critical engine to fail at the minimum approved value of V_1.

49. By amending § 4b.632 (a) by deleting from the second sentence the phrase, "shall be of the dual circuit type and", and by deleting the words "paragraphs (b) through (g)" and substituting in lieu thereof the words, "paragraphs (b) through (f)"

50. By amending § 4b.632 (e) to read as follows:

§ 4b.632 *Position light system installation.* * * *

(e) *Flasher* A position light flasher of an approved type shall be installed and shall comply with subparagraphs (1) through (3) of this paragraph.

(1) The forward position lights and the fuselage lights shall flash simultaneously at a rate of not less than 65 and not more than 85 flashes per minute.

(2) The rear position lights shall be energized alternately, such that the red light flashes during one flash of the forward position lights and the fuselage lights, and the white light flashes during the next flash of the forward position lights and the fuselage lights.

(3) A switch shall be provided in the system to disconnect the flasher from the circuit so that continuous light can be supplied by the forward position lights and the white rear position light with the remaining lights unenergized.

51. By amending § 4b.632 by deleting paragraph (f) and redesignating the present text of paragraph (g) as paragraph (f)

52. By adding a new § 4b.637 to read as follows:

§ 4b.637 *Anti-collision light.* If an anti-collision light is used, it shall be of the rotating beacon type installed on top of the fuselage or tail in such a location that the light would not be detrimental to the crew's vision and would not detract from the conspicuity of the position lights. The color of the anti-collision light shall be aviation red in accordance with the specifications of § 4b.635 (a) The arrangement of the anti-collision light, i. e., number of light sources, beam width, speed of rotation, etc., shall be such as to give an effective flash frequency of not less than 40 and not more than 100 cycles per minute, with an on-off ratio not less than 1:75. If an anti-collision light is used, it shall be permissible to install the position lights in a manner so that the forward position lights and the rear white position light are on steady while the fuselage lights and the rear red position light are not energized.

NOTE: An on-off ratio of not less than 1:75 is equivalent to a total angular light beam width of not less than approximately 5 degrees.

53. By amending § 4b.643 by deleting the first sentence and substituting in lieu thereof the following: "Safety belts shall be of an approved type."

54. By amending § 4b.645 to read as follows:

§ 4b.645 *Ditching equipment.* When the airplane is certificated for ditching in accordance with § 4b.361, and when re-

quired by the operating rules for the particular route to be flown, the ditching equipment shall be as prescribed in paragraphs (a) through (d) of this section.

(a) *Life rafts.* Life rafts shall be of an approved type. Unless excess rafts of sufficient capacity are provided, the buoyancy and seating capacity beyond the rated capacity of the rafts shall be such as to accommodate all occupants of the airplane in the event of a loss of one life raft of the largest rated capacity on board. Each life raft shall be equipped with a trailing line and with a static line, the latter designed to hold the raft near the airplane but to release it in case the airplane becomes totally submerged. Each raft shall contain obvious markings of instruction on the operation of the raft.

(b) *Life raft equipment.* Approved equipment intended for survival shall be attached to each life raft and marked for identification and method of operation.

NOTE: The extent and type of survival equipment will depend upon the route over which the airplane is operated.

(c) *Long-range signalling device.* An approved long-range signalling device shall be provided for use in one of the life rafts.

(d) *Life preservers.* Life preservers shall be of an approved type. They shall be reversible and shall contain obvious markings of instruction on their use.

55. By amending § 4b.646 to read as follows:

§ 4b.646 *Stowage of safety equipment.* Special stowage provisions shall be made for all prescribed safety equipment to be used in emergencies. The stowage provision shall be such that the equipment is directly accessible and its location is obvious. All safety equipment shall be protected against inadvertent damage. The stowage provisions shall be marked conspicuously to identify the contents and to facilitate removal of the equipment. In addition, the following shall specifically apply.

(a) *Emergency exit means.* The stowage provisions for the emergency exit means required by § 4b.362 (e) (7) shall be located at the exits which they are intended to serve.

(b) *Life rafts.* The provisions for the stowage of life rafts required by § 4b.645 (a) shall accommodate a sufficient number of rafts for the maximum number of occupants for which the airplane is certificated for ditching. Stowage shall be near exits through which the rafts can be launched during an unplanned ditching. Rafts automatically or remotely released on the outside of the airplane shall be attached to the airplane by means of the static line prescribed in § 4b.645 (a)

(c) *Long-range signalling device.* The stowage provisions for the long-range signalling device required by § 4b.645 (c) shall be located near an exit to be available during an unplanned ditching.

(d) *Life preservers.* The provisions for the stowage of life preservers required by § 4b.645 (d) shall accommodate one life preserver for each occupant for which the airplane is certificated for ditching. They shall be located so that a life preserver is within easy reach of each occupant while seated.

56. By amending § 4b.651 (h) to read as follows:

§ 4b.651 *Oxygen equipment and supply.* * * *

(h) *Protective breathing system* When protective breathing equipment is required by the Civil Air Regulations, it shall be designed to protect the flight crew from the effects of smoke, carbon dioxide, and other harmful gases while on flight deck duty and while combating fires in cargo compartments (see § 4b.380 (c)) The protective breathing equipment and the necessary supply of oxygen shall be in accordance with the following provisions.

(1) The protective breathing equipment shall include masks covering the eyes, nose, and mouth, or only the nose and mouth where accessory equipment is provided to protect the eyes.

(2) A supply of protective oxygen per crew member shall be of 15-minute duration at a pressure altitude of 8,000 feet and a respiratory minute volume of 30 liters per minute BTPD.

NOTE: When a demand type oxygen system is employed, a supply of 300 liters of free oxygen at 70° F. and 760 mm Hg. pressure is considered to be of 15-minute duration at the prescribed altitude and minute volume. When a continuous flow protective breathing system is used, including a mask with a standard rebreather bag, a flow rate of 60 liters per minute at 8,000 feet (45 liters per minute at sea level) and a supply of 600 liters of free oxygen at 70° F. and 760 mm Hg. pressure is considered to be of 15-minute duration at prescribed altitude and minute volume. (BTPD refers to body temperature conditions, i. e., 37° C., at ambient pressure, dry.)

57. By amending § 4b.719 by changing the title and the first sentence to read as follows:

§ 4b.719 *Airplane weight, center of gravity, and weight distribution limitations.* The airplane weight, center of gravity, and weight distribution limitations shall be those prescribed in §§ 4b.101, 4b.102, 4b.103, and, if applicable, § 4b.210 (c). * * *

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007 as amended, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53-3376; Filed, Apr. 17, 1953; 8:57 a. m.]

[Regs. No. SR-393]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORY

SPECIAL CIVIL AIR REGULATION; POSITION AND ANTI-COLLISION LIGHT SYSTEMS ON TRANSPORT CATEGORY AIRPLANES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 9th day of April 1953.

In the preamble to Special Civil Air Regulation SR-390, which superseded SR-361, it was stated that the Board was considering a revised Special Civil Air Regulation which would permit experimentation projects on a limited number of airplanes for the purpose of improving position light and anti-collision light systems. The Board considers that further improvement of the conspicuity of transport airplanes is desirable and that continued experimentation along these lines should be permitted.

This special regulation authorizes experimentation on a limited number of transport airplanes with position light and anti-collision light systems which deviate from the specifications prescribed in the presently effective Part 4b, provided that such deviations are within limitations prescribed by the Administrator to be necessary for safety and for avoiding confusion in air navigation. In promulgating this regulation, Special Civil Air Regulation SR-390 is superseded.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective May 16, 1953.

Contrary provisions of the Civil Air Regulations notwithstanding, any air carrier may, subject to the approval of the Administrator, engage, while operating airplanes in scheduled or other service, in experimentation, on a limited number of airplanes, with projects designed to improve the position light and anti-collision light systems presently specified in Part 4b of the Civil Air Regulations. The Administrator shall prescribe such conditions and limitations as may be necessary to assure safety and to avoid confusion in air navigation, and shall require each carrier to disclose publicly its deviations from the requirements of Part 4b at times and in a manner which he deems consistent with the best interests of safety.

This regulation supersedes Special Civil Air Regulation SR-390, and shall terminate June 30, 1955, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53-3381; Filed, Apr. 17, 1953; 8:58 a. m.]

[Civil Air Regs., Amdt. 5-1]

PART 5—GLIDER AIRWORTHINESS INSPECTIONS AND TESTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 9th day of April 1953.

Two minor corrections to this part are contained in this amendment. These changes in the regulations are editorial and clarifying in nature and are made for the purpose of consistency with other airworthiness parts of the regulations.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 5 of the Civil Air Regulations (14 CFR Part 5) effective May 16, 1953:

1. By amending § 5.1 (a) (3) by adding the following reference: "See § 5.18.)"

2. By amending § 5.15 (c) to read as follows:

§ 5.15 *Inspections and tests.* * * *

(c) All manufacturing processes, construction, and assembly are as specified in the type design.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007 as amended, 1009 as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53-3377; Filed, Apr. 17, 1953; 8:57 a. m.]

[Civil Air Regs., Amdt. 6-4]

PART 6—ROTORCRAFT AIRWORTHINESS

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 9th day of April 1953.

A number of important substantive changes to Part 6 are contained in this amendment. Among these, § 6.420 which specifies the usable fuel capacity for rotorcraft certification is amended to require the carriage of sufficient usable fuel for at least one hour's operation at maximum continuous power and rpm. Previously, usable fuel was related directly to maximum continuous horsepower. Also, where more than one fuel tank is provided a low level fuel warning indicator is required by this section.

Extensive changes also are being made to the structural provisions of this part. Section 6.212 is amended to reduce the minimum positive maneuvering limit load factor from 2.5 to 2.0. Section 6.221 is amended to relax the present requirements to permit auxiliary rotors with detachable blades to be substantiated for centrifugal loads resulting from the maximum design rotor rpm. Section 6.230 is amended to permit the manufacturer to assume rotor lift equal to at least ½ of the design maximum weight during structural tests involving landing impact loads. Prior to the adoption of this amendment, no rotor lift could be assumed in the analysis of landing loads.

Section 6.237 is amended to prescribe new shock absorption tests. These tests now permit the introduction of rotor lift either by energy absorbing devices or by use of an effective mass.

Section 6.245 is amended to reduce by 25 percent the vertical load to be applied during the testing of the float landing conditions.

Sections 6.382, 6.384, 6.480, 6.482, and 6.483 are amended, and new §§ 6.485 through 6.487 added. These changes to the existing fire prevention provisions are intended to afford greater protection to crew and passengers in the event of fire during flight. The general intent of these changes is to provide protection from powerplant fires to a degree which will assure that a controlled autorotational landing can be made during a period of at least 5 minutes after the start of an engine fire.

Section 6.414 is amended to permit, within limitations, the use of analytical methods for determining the critical speeds of shafting as necessary in the application of this section.

In addition there are a number of changes to this part of an editorial or clarifying nature.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 6 of the Civil Air Regulations (14 CFR Part 6, as amended) effective May 16, 1953:

1. By amending § 6.1 (a) (3) by adding the reference: "(See § 6.18.)"

2. By amending § 6.1 (g) (5) (i) by deleting the word "or" and substituting in lieu thereof the word "and"

3. By amending § 6.15 (c) to read as follows:

§ 6.15 *Inspections and tests.* * * *

(c) All manufacturing processes, construction, and assembly are as specified in the type design.

4. By amending § 6.101 (b) (2) to read as follows:

6.101 *Weight limitations.* * * *

(b) * * * (2) usable fuel for one hour's operation at the maximum continuous power and rpm.

5. By amending § 6.101 (b) (4) to read as follows:

§ 6.101 *Weight limitations.* * * *

(b) * * * (4) 170 pounds in all seats, except that when the maximum permissible weight to be carried in a seat is less than 170 pounds it shall be acceptable to use this lesser weight. (See § 6.738 (a).)

6. By amending § 6.101 (d) (3) to read as follows:

§ 6.101 *Weight limitations.* * * *

(d) * * * (3) oil in the quantity determined in accordance with the provisions of § 6.440 (b)

7. By amending § 6.120 (b) by adding after the word "possible" the phrase "to maintain a flight condition and"

8. By amending § 6.121 (b) by deleting the words "the maximum permissible forward speed" and substituting in lieu thereof "V_{NE} (see § 6.711)".

9. By amending § 6.212 by deleting from the second sentence the numeral "2.5" and substituting in lieu thereof the numeral "2.0"

10. By amending § 6.221 by deleting from the second sentence the clause "centrifugal loads of twice those resulting when the rotor is driven by the engine at its maximum continuous speed," and inserting in lieu thereof the clause "centrifugal loads resulting from the maximum design rotor rpm."

11. By amending § 6.230 (c), (d), and (e) to read as follows:

§ 6.230 *General.* * * *

(c) *Design weight.* The design weight used in the landing conditions shall not be less than the maximum weight of the rotorcraft. It shall be acceptable to assume a rotor lift, equal to one-half the design maximum weight, to exist throughout the landing impact and to act through the center of gravity of the rotorcraft. Higher values of rotor lift shall be acceptable if substantiated for the particular rotorcraft.

(d) *Load factor* The structure shall be designed for a limit load factor, selected by the applicant, of not less than the value of the limit inertia load factor substantiated in accordance with the provisions of § 6.237, except in conditions in which other values of load factor are prescribed.

(e) *Landing gear position.* The tires shall be assumed to be in their static position, and the shock absorbers shall be assumed to be in the most critical position, unless otherwise prescribed.

12. By amending § 6.230 by adding a new paragraph (f) to read as follows:

§ 6.230 *General.* * * *

(f) *Landing gear arrangement.* The provisions of §§ 6.231 through 6.236 shall be applicable to landing gear arrangements where two wheels are located aft and one or more wheels are located forward of the center of gravity.

13. By amending § 6.231 (b) (2) by adding the following: "For the attitude prescribed in paragraph (a) (1) of this section the resulting pitching moment shall be assumed resisted by the forward gear, while for the attitude prescribed in paragraph (a) (2) of this section the resulting pitching moment shall be assumed resisted by angular inertia forces."

14. By amending § 6.237 to read as follows:

§ 6.237 *Shock absorption tests.* Drop tests shall be conducted in accordance with paragraphs (a) and (b) of this section to substantiate the landing limit inertia load factor (see §6.230 (d)) and to demonstrate the reserve energy absorption capacity of the landing gear. The drop tests shall be conducted with the complete rotorcraft or on units consisting of wheel, tire, and shock absorber in their proper relation.

(a) *Limit drop test.* The drop height in the limit drop test shall be 13 inches measured from the lowest point of the landing gear to the ground. A lesser drop height shall be permissible if it results in a drop test contact velocity found by the Administrator to be equal

to the greatest probable sinking speed of the rotorcraft at ground contact in power-off landings likely to be made in normal operation of the rotorcraft. In no case shall the drop height be less than 8 inches. If rotor lift is considered (see § 6.230 (c)) it shall be introduced in the drop test by the use of appropriate energy absorbing devices or by the use of an effective mass.

NOTE: In lieu of more rational computations, the following may be employed when use is made of an effective mass:

$$W_e = W\left[\frac{h+(1-L)d}{h+d}\right]; \text{ and } n = n_j\frac{W_e}{W}+L,$$

where:

W_e = the effective weight to be used in the drop test (lbs.);
$W = W_M$ for main gear units (lbs.), equal to the static reaction on the particular unit with the rotorcraft in the most critical attitude;
$W = W_N$ for nose gear units (lbs.), equal to the vertical component of the static reaction which would exist at the nose wheel, assuming the mass of the rotorcraft acting at the center of gravity and exerting a force of 1.0g downward and 0.25g forward;
h = specified free drop height (inches);
L = ratio of assumed-rotor lift to the rotorcraft weight, not in excess of 0.5;
d = deflection under impact of the tire (at the approved inflation pressure) plus the vertical component of the axle travel relative to the drop mass (inches);
n = limit inertia load factor;
n_j = the load factor during impact developed on the mass used in the drop test (i. e., the acceleration dv/dt in g's recorded in the drop test plus 1.0).

(b) *Reserve energy absorption drop test.* The reserve energy absorption capacity shall be demonstrated by a drop test in which the drop height is equal to 1.5 times the drop height prescribed in paragraph (a) of this section, and the rotor lift is assumed to be not greater than 0.75 times the rotorcraft maximum weight, except that the resultant inertia load factor need not exceed 1.5 times the limit inertia load factor determined in accordance with paragraph (a) of this section. In this test the landing gear shall not collapse.

NOTE: The effect of rotor lift may be considered in a manner similar to that prescribed in paragraph (a) of this section.

15. By amending § 6.245 (a) (1) by adding the following clause to the last sentence: "or shall be assumed to be the same as the load factor determined for the ground type landing gear."

16. By amending § 6.245 (b) to read as follows:

§ 6.245 *Float landing conditions.* * * *

(b) *Side load condition.* The vertical load in this condition equal to 0.75 the vertical load prescribed in paragraph (a) (1) of this section, divided equally between the floats, shall be applied together with a side component. The total side component shall be equal to 0.25 the total vertical load in this condition and shall be applied to one float only.

17. By amending § 6.251 (c) by deleting from the second sentence the phrase: "by a factor of 1.5." and substituting in lieu thereof the clause: " as defined by the power conditions in § 6.1 (g) (3), by a factor of 1.33."

18. By amending § 6.306 (c) and (d) to read as follows:

§ 6.306 *Material strength properties and design values.* * * *

(c) ANC-5, ANC-18, and ANC-23, Part II values shall be used unless shown to be inapplicable in a particular case.

NOTE: ANC-5, "Strength of Metal Aircraft Elements," ANC-18, "Design of Wood Aircraft Structures," and ANC-23, "Sandwich Construction for Aircraft," are published by the Subcommittee on Air Force-Navy-Civil Aircraft Design Criteria, and may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

(d) The strength, detail design, and fabrication of the structure shall be such as to minimize the probability of disastrous fatigue failure.

NOTE: Points of stress concentration are one of the main sources of fatigue failure.

19. By adding a new § 6.313 to read as follows:

§ 6.313 *Rotor blade clearance.* Clearance shall be provided between the main rotor blades and all other parts of the structure to prevent the blades from striking any part of the structure during any operating condition of the rotorcraft.

20. By amending § 6.338 to read as follows:

§ 6.338 *Skis.* Skis shall be of an approved type. The maximum limit load rating of each ski shall not be less than the maximum limit load determined in accordance with the applicable ground load requirements of this part.

21. By redesignating §§ 6.340 and 6.341 as §§ 6.341 and 6.342, respectively.

22. By adding a new § 6.340 to read as follows:

§ 6.340 *Floats.* Floats shall be of an approved type and shall comply with the provisions of §§ 6.341 and 6.342.

23. By amending redesignated § 6.342 (a) by deleting from the second sentence the words "maximum expected vertical load" and substituting in lieu thereof "vertical loads prescribed in 6.245 (a)"

24. By amending redesignated § 6.342 (b) by deleting from the first sentence the words "maximum expected vertical horizontal, and side loads" and substituting in lieu thereof "vertical, horizontal, and side loads prescribed in § 6.245"

25. By amending § 6.382 to read as follows:

§ 6.382 *Cargo and baggage compartments.* Cargo and baggage compartments shall be constructed of or completely lined with fire-resistant material, except that flame-resistant materials shall be acceptable in compartments which are readily accessible to a crew member in flight. Compartments shall include no controls, wiring, lines, equipment, or accessories the damage or failure of which would affect the safe operation of the rotorcraft, unless such items are shielded, isolated, or otherwise protected so that they cannot be damaged by movement of cargo in the compartment, and so that any breakage or failure of such items will not create a fire hazard.

26. By amending § 6.384 to read as follows:

§ 6.384 *Fire protection of structure, controls, and other parts.* All structure, controls, rotor mechanism, and other parts essential to a controlled landing of the rotorcraft which would be affected by powerplant fires shall either be of fireproof construction or shall be otherwise protected, so that they can perform their essential functions for at least 5 minutes under all foreseeable powerplant fire conditions. (See also §§ 6.480 and 6.483 (a).)

27. By amending § 6.414 to read as follows:

§ 6.414 *Shafting critical speed.* The critical speeds of all shafting shall be determined by actual demonstration, except that analytical methods shall be acceptable for determining these speeds if the Administrator finds that reliable methods of analysis are available for the particular design. If the critical speeds lie within or close to the operating ranges for idling, power-on, and autorotative conditions, it shall be demonstrated by tests that the resultant stresses are within safe limits. If analytical methods are used and indicate that no critical speeds lie within the permissible operating ranges, the margins between the calculated critical speeds and the limits of the permissible operating ranges shall be adequate to allow for possible variations of the computed values from actual values.

28. By amending § 6.420 to read as follows:

§ 6.420 *Capacity and feed.* The usable fuel capacity shall not be less than that required for one hour's operation at maximum continuous power and rpm. Gravity feed or mechanical pumping of fuel shall be employed. Air-pressure fuel systems shall not be allowed. The fuel supply system shall be arranged so that, in so far as practicable, the entire fuel supply can be utilized in the maximum inclinations of the fuselage for any sustained conditions of flight, and so that the feed ports will not be uncovered during normal maneuvers involving moderate rolling or sideslipping. On rotorcraft with more than one fuel tank (see § 6.422 (e)) the system shall feed fuel promptly after one tank is turned off and another tank is turned on, and there shall be installed in addition to the fuel quantity indicator (see § 6.604 (a) (1) a warning device to indicate when the fuel in any tank becomes low.

NOTE: The fuel in any tank is considered to be low when there remains approximately a five-minute supply with the rotorcraft in the most critical sustained flight attitude.

29. By amending § 6.462 (c) to read as follows:

§ 6.462 *Induction system de-icing and anti-icing provisions.* * * *

(c) Rotorcraft equipped with sea level engines employing carburetors which embody features tending to reduce the possibility of ice formation shall be provided with a sheltered alternate source of air. The preheat supplied to this alternate air intake shall be not less than that provided by the engine cooling air downstream of the cylinders.

30. By amending § 6.480 by adding a note to read as follows:

§ 6.480 *General.* * * *

NOTE: The powerplant fire protection provisions are intended to insure that the main and auxiliary rotors and controls remain operable, the essential rotorcraft structure remains intact, and that the passengers and crew are otherwise protected for a period of at least 5 minutes after the start of an engine fire to permit a controlled autorotational landing.

31. By amending § 6.482 by adding the following to the present text: "Shutoff valves and their controls shall be located on the remote side of the fire wall from the engine, unless it is shown that the valve will perform its intended functions under all fire conditions likely to result from an engine fire. In installations using engines of less than 500 cu. in. displacement, shutoff means need not be provided for engine oil systems."

32. By amending § 6.483 (a) to read as follows:

§ 6.483 *Fire wall.* (a) Engines shall be isolated from personnel compartments by means of fire walls, shrouds, or other equivalent means. They shall be similarly isolated from the structure, controls, rotor mechanism, and other parts essential to a controlled landing of the rotorcraft, unless such parts are protected in accordance with the provisions of § 6.384. All auxiliary power units, fuel-burning heaters, and other combustion equipment which are intended for operation in flight shall be isolated from the remainder of the rotorcraft by means of fire walls, shrouds, or other equivalent means. In complying with the provisions of this paragraph, account shall be taken of the probable path of a fire as affected by the air flow in normal flight and in autorotation. (See also § 6.486.)

33. By adding a new § 6.485 to read as follows:

§ 6.485 *Lines and fittings.* All lines and fittings carrying flammable fluids or gases in areas subject to engine fire conditions shall comply with the provisions of paragraphs (a) through (c) of this section.

(a) Lines and fittings which are under pressure, or which attach directly to the engine, or which are subject to relative motion between components shall be flexible, fire-resistant lines with fire-resistant end fittings of the permanently attached, detachable, or other approved types. The provisions of this paragraph shall not apply to those lines and fittings which form an integral part of the engine.

(b) Lines and fittings which are not subject to pressure or to relative motion between components shall be of fire-resistant materials.

(c) Vent and drain lines and fittings shall be subject to the provisions of paragraphs (a) and (b) of this section unless a failure of such line or fitting will not result in, or add to, a fire hazard.

34. By adding a new § 6.486 to read as follows:

§ 6.486 *Flammable fluids.* (a) Fuel tanks shall be isolated from the engine by a fire wall or shroud. On all rotorcraft having engines of more than 900 cu. in. displacement, oil tanks and other flammable fluid tanks shall be similarly isolated unless the fluid contained, the design of the system, the materials used in the tank, the shutoff means, all connections, lines, and controls are such as to provide an equally high degree of safety.

(b) Not less than one-half inch of clear air space shall be provided between any tank and the isolating fire wall or shroud, unless other equivalent means are used to protect against heat transfer from the engine compartment to the flammable fluid.

35. By adding a new § 6.487 to read as follows:

§ 6.487 *Fire detector systems.* On all rotorcraft having engines of more than 900 cu. in. displacement, quick-acting fire detectors of an approved type shall be provided in all engine compartments, and they shall be sufficient in number and location to assure prompt detection of engine fires. Fire detector systems shall comply with the following provisions:

(a) Fire detectors shall be constructed and installed to assure their ability to resist without failure all vibration, inertia, and other loads to which they would be subjected in operation.

(b) Fire detectors shall be unaffected by the exposure to oil, water, or other fluids or fumes which might be present.

(c) Means shall be provided to permit the crew to check in flight the functioning of the electrical circuit associated with the fire detector system.

(d) Wiring and other components of the fire detector systems which are located in engine compartments shall be of fire-resistant construction.

36. By adding a new § 6.488 to read as follows:

§ 6.488 *Fire extinguisher systems—*
(a) *General.* (1) On all rotorcraft having engines of more than 1,500 cu. in. displacement, fire extinguisher systems shall be provided to serve all engine compartments and engine induction systems.

(2) On single-engine rotorcraft, the fire extinguisher system, the quantity of extinguishing agent, and the rate of discharge shall be such as to provide an adequate discharge for the engine compartment. On multiengine rotorcraft, the system shall provide two adequate discharges, and it shall be possible to direct both discharges to any engine compartment.

(b) *Fire-extinguishing agents.* (1) Extinguishing agents employed shall be methyl bromide, carbon dioxide, or any other agent which has been shown to provide equivalent extinguishing action.

(2) If methyl bromide, carbon dioxide, or any other toxic extinguishing agent is employed, provision shall be made to prevent the entrance of harmful concentration of fluid or fluid vapors into any personnel compartments either due to leakage during normal operation of the rotorcraft or as a result of discharging the fire extinguisher on the ground or in flight even though a defect may exist in the extinguishing system. Compliance with this requirement shall be demonstrated by appropriate tests.

(3) If a methyl bromide system is provided, the containers shall be charged with a dry agent and shall be sealed by the fire extinguisher manufacturer or by any other party employing appropriate recharging equipment.

(c) *Extinguishing agent container pressure relief.* Extinguishing agent containers shall be provided with a pressure relief to prevent bursting of the container due to excessive internal pressures. The following provisions shall apply:

(1) The discharge line from the relief connection shall terminate outside the rotorcraft in a location convenient for inspection on the ground.

(2) An indicator shall be provided at the discharge end of the line to provide a visual indication when the container has discharged.

(d) *Extinguishing agent container compartment temperature.* Under all conditions in which the rotorcraft is intended for operation, the temperature range of the extinguishing agent containers shall be maintained to assure that the pressure in the containers can neither fall below the minimum necessary to provide an adequate rate of extinguishing agent discharge nor rise above a safe limit so that the system will not be prematurely discharged.

(e) *Fire extinguisher system materials.* Materials in the fire extinguisher system shall not react chemically with the extinguishing agent so as to constitute a hazard. All components of the fire extinguisher systems located in engine compartments shall be constructed of fireproof materials.

37. By amending § 6.620 (c) by deleting the first sentence and substituting in lieu thereof the following: "Electrical sources of power shall have sufficient capacity during all normal flight operating conditions to supply the electrical load requirements without electrical or thermal distress."

38. By amending § 6.626 by deleting the words "used in flight" and substituting in lieu thereof the words "essential to safety in flight"

39. By amending § 6.631 (a) to read as follows:

§ 6.631 *Landing lights.* (a) When landing or hovering lights are required, they shall be of an approved type.

40. By amending § 6.710 by inserting the words "rotor speed, power," after the word "altitude,"

41. By amending § 6.711 (a) by deleting from the second sentence the phrase "the maximum level flight speed with all engines operating at maximum continuous rpm and 90 percent of maximum continuous power" and substituting in

lieu thereof "the best rate of climb speed"

42. By amending § 6.713 by adding after the first sentence the reference: "(See also § 6.710.)"

43. By amending § 6.714 (b) (2) by adding at the end of the subparagraph the reference: "(See §§ 6.103, 6.710, and 6.711.)"

44. By amending § 6.719 by adding at the end of the section the following sentence: "Such components shall be identified by serial number or by other equivalent means."

45. By amending § 6.732 by deleting the reference: "(See § 6.612 (a).)" and substituting in lieu thereof the reference: "(See §§ 6.612 (a), 6.710, 6.711, 6.712, 6.713, and 6.715.)"

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53-3378; Filed, Apr. 17, 1953; 8:58 a. m.]

[Civil Air Regs. Amdt. 13-1]

PART 13—AIRCRAFT ENGINE AIRWORTHINESS

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 9th day of April 1953.

Presently effective § 13.154 of Part 13 of the Civil Air Regulations prescribes the endurance tests to be conducted for the certification of aircraft engines. This section, however, does not differentiate between single and two-speed reciprocating engines nor does it relate to the purpose for which they are to be used.

As a result of discussions of these test provisions at the annual airworthiness review, it appears that the present provisions are not sufficiently detailed and of the necessary severity to disclose possible engine defects which past service difficulties have found to prevail. This amendment provides separate test runs for single-speed engines, two-speed engines, and engines designed for use in helicopters. In addition, the amendment specifies in greater detail and, in certain respects greater severity, the tests required.

In addition, there are a few changes of an editorial nature to clarify the intent of the provisions of this part.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 13 of the Civil Air Regulations (14 CFR Part 13) effective May 16, 1953:

1. By amending § 13.1 (a) (3) by adding the following reference: "(See § 13.18.)"

2. By amending § 13.15 (c) to read as follows:

§ 13.15 *Inspections and tests.* * * *

(c) All manufacturing processes, construction, and assembly are as specified in the type design.

3. By amending § 13.152 by deleting from the second sentence the words "such tests" and substituting in lieu thereof the words "the power characteristics calibration tests"

4. By amending § 13.154 to read as follows:

§ 13.154 *Endurance test.* The endurance test of an engine with a representative propeller shall include a total of 150 hours of operation and, depending upon the type and contemplated use of the engine, shall consist of one of the series of runs specified in paragraphs (a) through (c) of this section, whichever series is applicable. The runs shall be performed in such periods and order as are found appropriate by the Administrator for the specified engine. During the endurance test the engine power and the crankshaft rotational speed shall be controlled within ±3 percent of the specified values.

(a) *Single-speed engines.* For engines not incorporating a supercharger and for those incorporating a single-speed supercharger, the following series of runs shall apply:

(1) A 30-hour run shall be conducted consisting of alternate periods of 5 minutes at take-off power and speed, and 5 minutes at maximum best economy cruising power or at maximum recommended cruising power.

(2) A 20-hour run shall be conducted consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 75 percent maximum continuous power and 91 percent maximum continuous speed.

(3) A 20-hour run shall be conducted consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 70 percent maximum continuous power and 89 percent maximum continuous speed.

(4) A 20-hour run shall be conducted consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 65 percent maximum continuous power and 87 percent maximum continuous speed.

(5) A 20-hour run shall be conducted consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 60 percent maximum continuous power and 84.5 percent maximum continuous speed.

(6) A 20-hour run shall be conducted consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 50 percent maximum continuous power and 79.5 percent maximum continuous speed.

(7) A 20-hour run shall be conducted consisting of alternate periods of 2½ hours at maximum continuous power and speed, and 2½ hours at maximum best economy cruising power or at maximum recommended cruising power.

(b) *Two-speed engines.* For engines incorporating a two-speed supercharger, the following series of runs shall apply:

(1) A 30-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 5 minutes at take-off power and speed, and 5 minutes at maximum best economy cruising power or at maximum recommended cruising power. If a take-off rating is desired in the higher gear ratio, 15 hours of the 30-hour run shall be conducted in the higher gear ratio in alternate periods of 5 minutes at the observed horsepower obtainable with the take-off critical altitude manifold pressure and take-off speed, and 5 minutes at 70 percent high ratio maximum continuous power and 89 percent high ratio maximum continuous speed.

(2) A 15-hour run shall be conducted consisting of alternate periods in the lower gear ration of 1 hour at maximum continuous power and speed, and ½ hour at 75 percent maximum continuous power and 91 percent maximum continuous speed.

(3) A 15-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 1 hour at maximum continuous power and speed, and ½ hour at 70 percent maximum continuous power and 89 percent maximum continuous speed.

(4) A 30-hour run shall be conducted in the higher gear ratio at maximum continuous power and speed.

(5) A 5-hour run shall be conducted consisting of alternate periods of 5 minutes in each of the supercharger gear ratios. The first 5 minutes of the test shall be conducted at normal rated speed in the higher gear ratio and the observed horsepower obtainable with 90 percent of the normal rated manifold pressure in the higher gear ratio under sea level conditions. The condition for operation for the alternate 5 minutes in the lower gear ratio shall be that obtained by shifting to the lower gear ratio at constant speed.

(6) A 10-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 1 hour at maximum continuous power and speed, and 1 hour at 65 percent maximum continuous power and 87 percent maximum continuous speed.

(7) A 10-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 1 hour at maximum continuous power and speed, and 1 hour at 60 percent maximum continuous power and 84.5 percent maximum continuous speed.

(8) A 10-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 1 hour at maximum continuous power and speed, and 1 hour at 50 percent maximum continuous power and 79.5 percent maximum continuous speed.

(9) A 20-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 2 hours at maximum continuous power and speed, and 2 hours at maximum best economy cruising power and speed or at maximum recommended cruising power.

(10) A 5-hour run shall be conducted in the lower gear ratio at maximum best economy cruising power and speed or at maximum recommended cruising power and speed.

NOTE: Where simulated altitude test equipment is not available and when operating in the higher gear ratio, the runs may be con-

ducted at the observed horsepower obtained with the critical altitude manifold pressure or specified percentages thereof, and the fuel-air mixtures may be adjusted rich enough to suppress detonation.

(c) *Helicopter engines.* For engines to be eligible for use on helicopters, the following series of runs shall apply:

(1) A 35-hour run shall be conducted consisting of alternate periods of 30 minutes each at take-off power and speed, and at maximum continuous power and speed.

(2) A 25-hour run shall be conducted consisting of alternate periods of 2½ hours each at maximum continuous power and speed, and at 70 percent maximum continuous power at maximum continuous speed.

(3) A 25-hour run shall be conducted consisting of alternate periods of 2½ hours each at maximum continuous power and speed, and at 70 percent maximum continuous power at 80 to 90 percent maximum continuous speed.

(4) A 25-hour run shall be conducted consisting of alternate periods of 2½ hours each at 80 percent maximum continuous power at take-off speed, and at 80 percent maximum continuous power at 80 to 90 percent maximum continuous speed.

(5) A 25-hour run shall be conducted consisting of alternate periods of 2½ hours each at 80 percent maximum continuous power at take-off speed, and at either maximum continuous power at 110 percent maximum continuous speed or at take-off power at 103 percent take-off speed, whichever condition results in the greater speed.

(6) A 15-hour run shall be conducted at 105 percent maximum continuous power and 105 percent maximum continuous speed or at full throttle and corresponding speed at standard sea level carburetor entrance pressure, provided that 105 percent of the maximum continuous power is not exceeded.

5. By amending § 13.252 (a) by deleting from the second sentence the words "such tests" and substituting in lieu thereof the words "the power characteristics calibration tests"

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 53-3379; Filed, Apr. 17, 1953; 8:58 a. m.]

[Civil Air Regs., Amdt. 14-1]

PART 14—AIRCRAFT PROPELLER AIRWORTHINESS

INSPECTIONS AND TESTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 9th day of April 1953.

Two minor corrections to this part are contained in this amendment. These changes in the regulations are editorial and clarifying in nature and are made for the purpose of consistency with other airworthiness parts of the regulations.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 14 of the Civil Air Regulations (14 CFR Part 14) effective May 16, 1953:

1. By amending § 14.1 (a) (3) by adding the following reference: "(See § 14.18.)"

2. By amending § 14.15 (c) to read as follows:

§ 14.15 *Inspections and tests.* * * *

(c) All manufacturing processes, construction, and assembly are as specified in the type design.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009 as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 53-3380; Filed, Apr. 17, 1953; 8:58 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.182]

PART 65—PAYMENTS TO AND ON BEHALF OF PARTICIPANTS IN THE TECHNICAL AND CULTURAL-COOPERATION PROGRAMS

GRANTS TO U. S. LEADERS; TRANSPORTATION EXPENSES

APRIL 13, 1953.

Under the authority contained in R. S. 161 (5 U. S. C. 22) and section 4 of Public Law 73, 81st Congress (63 Stat. 111) the provisions of 22 CFR 65.9 (a) are amended to read as follows:

§ 65.9 *Grants to United States leaders.* * * *

(a) *Transportation expenses.* Transportation and miscellaneous expenses in the United States and abroad, including baggage charges, and per diem in lieu of subsistence at the maximum rates allowable while in a travel status, in accordance with the provisions of the Standardized Government Travel Regulations and the Travel Expense Act of 1949 (Pub. Law 92, 81st Cong.) except that where such payments are made from funds whose expenditure is exempted from compliance with the said Travel Regulations and Travel Expense Act by the provisions of the applicable appropriation act or Presidential letter of allocation the traveler shall be reimbursed for his travel expenses as provided in his travel order. The traveler shall be considered as remaining in travel status during the entire period covered by his order unless otherwise specified. For the purpose of advance orientation prior to his departure from the United States, the grantee may be authorized transportation from his home to Washington, D. C., and return by the most economical usually traveled route, including per diem for the period of authorized travel and orientation. When advanced orientation is authorized, the grant is suspended upon the grantee's return home and is held in abeyance until such time as the grantee departs from his home for direct travel to his duty assignment abroad. During periods of reorientation within the United States, travel to and from the official home or station of the grantee, without cessation of compensation or authorized allowances, may be paid as specified in the travel order.

(R. S. 161, sec. 1, 53 Stat. 1290, 62 Stat. 6; 5 U. S. C. 22, 22 U. S. C. 501)

For the Secretary of State.

W. K. SCOTT,
Deputy Assistant Secretary.

[F. R. Doc. 53-3359; Filed, Apr. 17, 1953; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 41]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products,* paragraph (e) *Copper refinery shapes* is amended to read as follows:

(e) *Copper refinery shapes*—(1) *Foreign or comingled domestic and foreign origin*—(i) *Applications from non-producers.* Applicants for licenses to export copper refinery shapes produced from foreign or comingled domestic and foreign ores and concentrates must show on the face of the license application Form IT-419, one of the following certifications, as applicable:

For the purpose of this application, the producer of the copper refinery shapes covered by this application has certified in writing that (1) the shapes were produced from foreign ores and concentrates; or (2) that an equivalent amount of foreign ores and concentrates has been smelted and refined into refinery shapes to replace the amount of comingled copper that is being exported.

Upon specific request from the OIT, the applicant must submit the producer's certification to the OIT.

(ii) *Applications from producers.* Where the applicant is the producer, the applicant shall make and set forth on the face of the application the following certification:

I (we) am (are) the producer(s) of the copper refinery shapes covered by this application and I (we) certify that (1) the shapes were produced from foreign ores and concentrates; or (2) an equivalent amount of foreign ores and concentrates has been smelted and refined into refinery shapes to replace the amount of comingled copper that is being exported.

(2) *Domestic origin.* Applicants for licenses to export copper refinery shapes of domestic origin must indicate on the application Form IT-419 whether such shapes have been produced by fire-refining or electrolytic process. If electro-

lytic, the application must be accompanied by (i) documentary evidence, or (ii) a signed statement from the applicant identifying the documentary evidence which he has in his possession and specifying the facts in such documentary evidence, which show that the material cannot be disposed of on the domestic market. Upon specific request from OIT, the applicant must submit the documentary evidence.

2. Section 373.44 *Totally allocated commodities* paragraph (a) *Commodities included* is amended by deleting from the table set forth in paragraph (a) the following listings:

Commodity	Relevant NPA order	Required NPAF form
Copper refinery shapes (not CMP shapes) and brass and bronze ingots	M-16	83
Copper scrap and copper base alloy scrap	M-16	83

3. Section 373.71 *Supplement 1, Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by adding the following entries and related submission dates for the Second Quarter, 1953:

Dept. of Commerce Schedule B No.	Commodity	Second quarter, 1953
641300 644000 644100	Copper scrap (new and old) Copper-base alloy scrap (new and old). Copper-base alloy ingot	On or before Apr. 30, 1953.

This amendment shall become effective as of April 17, 1953.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

KARL L. ANDERSON,
Acting Director
Office of International Trade.

[F. R. Doc. 53-3454; Filed, Apr. 17, 1953; 8:56 a. m.]

[6th Gen. Rev. of Export Regs. Amdt. P. L. 35 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. General Notes to Appendix A are amended to read as follows:

[1] The revisions in the Positive List set forth in this amendment were announced in Current Export Bulletin No. 698, dated March 31, 1953; they and the other amendments set forth herein were included and published in the new issue of the Comprehensive Export Schedule, dated March 31, 1953.

GENERAL NOTES TO APPENDIX A

(a) *Schedule B number.* Commodities are listed in numerical order by Schedule B numbers, which appear in the first column of the table. These numbers correspond with those shown in the Department of Commerce publication, Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, and must be shown on all export license applications.

(b) *Commodity description.* Where the commodity description of a Schedule B number on the Positive List of Commodities mentions only a part of the commodities covered by the Schedule B listing, only the commodity or commodities specifically mentioned are included on the Positive List.

Example: The commodity description in Schedule B under No. 385900 reads "Man-made (synthetic) textile manufactures, n. e. c." On the Positive List, nylon rope is the only commodity shown under this Schedule B number. Other man-made (synthetic) textile manufactures classified under this number in Schedule B are, therefore, not on the Positive List.

(c) *Quantity classifications.* The quantity classification given for each commodity in the column headed "Unit" must be shown on export license applications. If there is no entry in the Unit column, the application should show the unit of quantity commonly used in the trade.

(d) *GLV Dollar-value limits.* The column headed "GLV Dollar-Value Limits" has reference to the value limits under the general license, Shipments of Limited Value GLV, established by § 371.10 of this subchapter.

(e) *Commodity processing codes.* The commodity processing codes, referred to in the column headed "Processing Code and Related Commodity Group," are used to facilitate the routing and processing of export license applications. Related commodities are commodities which have the same processing code symbol and the same number following such symbol.

For each commodity there is a four-letter code index (GIEQ, STEE, TRAN). This processing code, followed by a dash and the letters "RO" must be shown on all license applications covering RO commodities on the Positive List. Applications for licenses to export R commodities must show the appropriate processing code for each commodity, followed by a dash and the letter "R."

RO commodities may not be entered on the same license application with R commodities.

A number follows the processing code in many instances. It is the related commodity group number and indicates that all commodities having the same processing code and number may be entered on a single application for individual export license when they are destined to one consignee. For example, all commodities coded RUBR 2 may be entered on one application. Those having different codes (RUBR 2 and RUBR 3 or RUBR 2 and ELME 2) must be listed on separate applications. (See § 372.2 (c) of this subchapter for complete information on the export of related commodities on individual license).

(f) *Validated license required.* The column headed "Validated License Required" is used to indicate whether a commodity is identified as an R or RO commodity. A validated license is required for the exportation of RO commodities to destinations in both Country Groups R and O. A validated license is required for exportations of R commodities to Country Group R destinations only. However, a validated license is not required if the exportation can be made under one of the general licenses, as set forth in Part 371 of this subchapter, or under other provisions permitting the exportation without license.

The Positive List of Commodities includes all commodities which require a validated export license from the Department of Commerce for shipment to any destination, whether to Country Group R and O destinations or to Country Group R destinations only. (All commodities, whether or not on the Positive List, require validated licenses for export to Subgroup A, Hong Kong, and Macao. See Part 384.) (Commodities licensed by other agencies of the government are described in §§ 370.4, 370.5, 370.6, and 370.7.)

(g) *Definitions*—(1) *Corrosion-resistant materials.* As used in the Positive List of Commodities, the term "corrosion-resistant materials" means (i) metals or alloys containing 10 percent or more of chromium and/or nickel and/or silicon; 75 percent or more of copper; 85 percent or more of aluminum; or 99 percent or more of zinc, tin, cadmium, indium, lead, silver, titanium, molybdenum, tantalum, or zirconium, either separately or in combination; (ii) glass, ceramics, carbon, graphite, or other nonmetallic materials of mineral origin; (iii) rubber (natural or synthetic), plastics, or synthetic resins; and (iv) any other newly developed corrosion-resistant materials.

(2) *Abbreviation "n. e. c."* The abbreviation "n. e. c." appearing in the various entries on the Positive List of Commodities means "not elsewhere classified."

(h) *Explanation of symbols in column headed "commodity lists"*

Symbol	Special requirement referred to—	Section
A	Import Certificate/Delivery Verification	373.2
B	Submission of Form IT-375 for prior approval before shipment against DL license	371.2
C	Controlled materials identification	394.5
D	Evidence of availability	373.3

2. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
709970	Industrial process indicating (measuring), recording, and/or controlling instruments, n. e. c., and specially fabricated parts, n. e. c. (for measuring and/or controlling temperatures, pressure, level, flow, humidity, moisture, motion, rotation, gas analysis, chemical properties, and variables) (specify by name): pH (hydrogen-ion) meters and pH control apparatus, continuous measuring types; and specially fabricated parts, n. e. c. (report noncontinuous pH meters in 919089).[1]		GIEQ	25	RO
532900	Organic chemicals not of coal-tar origin, n. e. c. (specify by name): Isopropyl ether [1]	Lb.	ORGN	100	RO

[1] The commodities included in this Positive List entry are added to the commodities subject to the IC/DV procedure (§ 373.2), effective May 15, 1953.

This part of the amendment shall become effective as of 12:01 a. m., April 7, 1953.

3. The following are changed from R to RO commodities:

Dept. of Commerce Schedule B No.	Commodity
	Steam turbine generator sets (turbogenerators):
700610	Under 500 kilowatts.
700805	500 kilowatts up to and including 7,500 kilowatts.
700807	Over 7,500 kilowatts.

This part of the amendment shall become effective as of 12:01 a. m., April 7, 1953.

4. The following revisions are made in commodity descriptions. These revisions include changes in GLV dollar-value limits where indicated:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required	Commodity lists
	Refined oils:					
501900	Naptha in containers of 4 ounces or less [1]	Bbl.	PETR 1	[2] 300	RO	
501900	Naphtha in containers over 4 ounces; mineral spirits; solvents; and other finished light products, n. e. c. barrels of 42 gallons).[1]	Bbl.	PETR 1	[2] 25	RO	A
	Shipping containers for oil, gas, and other liquids and solids (all metals) (report storage tanks in 618967 and 618971):					
	Unfilled:					
	Other unfilled shipping containers:					
619022	Unfilled aluminum shipping containers, except milk cans.[3]	Lb.	NONF	300	RO	A
619022	Unfilled shipping containers of metal other than steel and aluminum, except milk cans.[3]	Lb.	NONF	300	RO	AD
	Welding rods and wires:					
619031	Covered tubular steel electrodes or ceramic electrodes infused with steel (chief value steel) for underwater cutting (specify whether carbon, alloy, or stainless steel).[4]	Lb.	STEE	None	RO	BD
619031	Other iron and steel, electric (specify whether carbon, falloy, or stainless steel).[4]	Lb.	STEE	100	RO	ABD
619033	Iron and steel, nonelectric (specify whether carbon, alloy, or stainless steel).[5]	Lb.	STEE	100	RO	ABD
	Metal powders:					
619159	Silicon [6]	Lb.	NONF	25	RO	
619159	Tin [6]	Lb.	NONF	25	RO	
619159	Zirconium [6]	Lb.	NONF	25	RO	
645710★	Brass and bronze wire, bare (including phosphor bronze) for electrical conduction only.[7]	Lb.	NONF 6	25	RO	ABO
645710★	Brass and bronze wire, bare (including phosphor bronze) other than for electrical conduction.[7]	Lb.	NONF 5	25	RO	ABO
	Cobalt:					
664526	Ores, concentrates, metal, and other alloys in crude form, and cobalt-bearing scrap metal (include cobalt scrap containing 5 percent or more cobalt by weight).[8]	Lb.	MINL	None	RO	AB
	Steam engines and turbines, n. e. c., and parts, n. e. c.:					
711900	Parts, n. e. c., specially fabricated for steam turbines.[9]		GIEQ	100	RO	A
	Chemical specialty compounds, n. e. c.:					
829990	Lighter fluid in containers of 4 ounces or less when containing 80 percent or more by quantity of any item or combination of items specified elsewhere on the Positive List.[10]		ORGN	[2] 300	RO	

★ The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c) of this subchapter.

[1] The above two entries are substituted for the third entry presently on the Positive List under Schedule B No. 501900. The effect of this revision is to increase the GLV dollar value limit from $25 to $300 for naphtha in containers of 4 ounces or less, and to remove it from the commodities subject to the IC/DV procedure (see § 373.2 of this subchapter).

[2] This GLV dollar-value limit is applicable to all Country Group R destinations, except Hong Kong, Macao, and Subgroup A countries, and to all Country Group O destinations, except Mexico. The GLV dollar-value limit for shipments to Mexico is $1,000.

[3] The above two entries are substituted for the last entry presently on the Positive List under Schedule B No. 619022. The effect of this revision is to remove "unfilled aluminum shipping containers, except milk cans," from the evidence of availability requirements (see § 373.3 of this subchapter).

[4] The above two entries are substituted for the two entries presently on the Positive List under Schedule B No. 619031. The effect of this amendment is to require applicants to specify grade of steel.

[5] The above entry is substituted for the entry presently on the Positive List under Schedule B No. 619033. The effect of this amendment is to require applicants to specify grade of steel.

[6] The above commodity is set out in a separate entry on the Positive List under Schedule B No. 619159. It is presently included in the last entry under that Schedule B number. The effect of this amendment is to remove this commodity from the evidence of availability requirements (see § 373.3 of this subchapter).

[7] The above two entries are substituted for the fourth entry presently on the Positive List under Schedule B No. 645710. The effect of this revision is to list separately brass and bronze bare wire for electrical conduction only and to change the processing code from NONF to NONF 6, and to list separately brass and bronze bare wire other than for electrical conduction and to change the processing code from NONF to NONF 5.

[8] The above entry is substituted for the second entry presently on the Positive List under Schedule B No. 664526. The effect of this revision is to clarify the coverage of this entry.

[9] The above entry is substituted for the first entry presently on the Positive List under Schedule B No. 711900. The effect of this revision is (1) to extend the controls from R to RO for parts, n. e. c., specially fabricated for steam turbines 300 horsepower and over and (2) to add to the Positive List, RO control, parts, n. e. c., specially fabricated for steam turbines under 300 horsepower and to add these parts to the commodities subject to IC/DV procedure (see § 373.2 of this subchapter), effective May 15, 1953, as indicated in the column headed "Commodity Lists"

[10] The above entry is added to the Positive List under Schedule B No. 829990. This commodity is presently included on the Positive List under the last entry for Schedule B No. 829990. The effect of this revision is to increase its GLV dollar-value limit from $100 to $300 to destinations other than Mexico, and from $100 to $1,000 to Mexico.

This part of the amendment shall become effective as of 12:01 a. m., March 31, 1953.

5. The processing codes set forth opposite the commodity entries listed below are amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	Processing codes
	Metal manufactures, n. e. c., and parts, n. e. c.:	
	Other metals, except precious (specify by name and type of metal):	
619950	Aluminum molding; aluminum collapsible tubes; aluminum slugs; and aluminum shot (report crude form of aluminum shot in 630070).	CDGS
722040	Railway maintenance-of-way machines, n. e. c., and specially fabricated parts, n. e. c.	CONS

This part of the amendment shall become effective as of March 31, 1953.

6. The processing codes set forth opposite the commodity entries listed below are amended by the addition of the following related commodity group numbers:

Dept. of Commerce Schedule B No.	Commodity	Processing code and related commodity group No.
	Abrasives:	
540940	Corundum	MINL 1
541110	Fused alumina (aluminum oxide), crude and in grains.	MINL 1
541120	Fused silicon carbide, crude, crude and in grains.	MINL 1
541140	Manufactured abrasives, n. e. c.	MINL 1
	Graphite, natural:	
547210	Amorphous (specify carbon content and country of origin).	MINL 2
547220	Crystalline flake, lump, or chip.	MINL 2
547290	Other natural graphite	MINL 2
	Tin mill products:	
	Tin plate:	
604110	Hot dipped (production plate).	TNPL 1
604110	Other hot dipped	TNPL 2
604150	Electrolytic coated (production plate).	TNPL 1
604150	Other electrolytic coated	TNPL 2
604170	Other tinplate, decorated, embossed, lithographed, lacquered, or otherwise advanced.	TNPL 1
	Pipe fittings not specially fabricated for particular machines or equipment:	
618957	Copper-base alloy pipe fittings (including brass and bronze) (specify by name).	NONF 3
618959	Copper pipe fittings	NONF 3
	Welding rods and wires:	
619034	Brass and bronze welding electrodes and welding rods (including phosphor bronze).	NONF 4
619034	Phosphor copper brazing rods and wires.	NONF 4
619039	Copper	NONF 4
619039	Tin	NONF 1
	Metal powders:	
619158	Zinc dust (specify zinc content).	NONF 2
619159	Lead	NONF 3
619159	Other zinc powder	NONF 2
	Foil and leaf (less than 0.006 inch in thickness) (report paper-backed foil in 486100):	
619250	Copper or copper-base alloy foil and leaf.	NONF 5
619250	Tin foil	NONF 1
	Metal manufactures, n. e. c., and parts, n. e. c.:	
	Other metals, except precious (specify by name and type of metal):	
619950	Lead burning bars	NONF 3
619950	Tin shot; tin slugs; and tin collapsible tubes.	NONF 1
630310	Aluminum bars and rods, rolled or drawn (¾ inch and over) (report extruded bars and rods in 630320; aluminum bus bars in 709495).	NONF 1

Dept. of Commerce Schedule B No.	Commodity	Processing code and related commodity group No.
630320	Aluminum extruded and drawn shapes and tubes, except drawn bars, rods, and wire.	NONF 1
641300	Copper scrap (new and old)	NONF 2
642200	Copper pipe and tubing	NONF 5
642300	Copper plates, sheets, and strips, including nickel-plated.	NONF 5
642400	Copper rods and bars, n. e. c. (report copperweld rods in 642510; copper wire bars and redrawing rods in 641200; and copper bus bars in 709495).	NONF 5
642510	Copper wire and cable, bare, for electrical conduction only (report electrical insulated copper wire in 709810–709885).	NONF 6
642510	Copper wire and cable, bare, other than for electrical conduction (report welding rods and electrodes in 619039).	NONF 5
644000	Copper-base alloy scrap (new and old).	NONF 2
644900	Beryllium copper bars, rods, and other crude shapes (extruded, rolled and drawn) (specify copper content).	NONF 5
644900	Phosphor copper rods and bars (specify copper content).	NONF 5
644900	Brass, bronze and nickel silver, or German silver, bars, rods, and other crude shapes (extruded, rolled and drawn).	NONF 5
644900	Other copper-base alloy bars, rods, and other crude shapes (extruded, rolled, and drawn).	NONF 5
645000	Beryllium copper plates, sheets, and strips (specify copper content).	NONF 5
645000	Phosphor copper plates, sheets, and flat or coiled strip; and cupro-nickel strip (specify copper content).	NONF 5
645000	Brass, bronze and nickel-silver, or German silver, plates, sheets, and strips.	NONF 5
645000	Other copper-base alloy plates, sheets, and strips.	NONF 5
645300	Brass and bronze pipes and tubes (pipe coils included).	NONF 5
645300	Phosphor copper pipes and tubes (specify copper content).	NONF 5
645300	Beryllium copper pipes and tubes (specify copper content).	NONF 5
645300	Seamless cupro-nickel pipes and tubes (specify copper content).	NONF 5
645300	Other copper-base alloy pipes and tubes (pipe coils included).	NONF 5
645710	Cupro-nickel resistance wire; and thermocouple wire (specify copper content).	NONF 6
645710	Phosphor copper wire; cupro-nickel wire other than resistance wire; and nickel-silver wire (specify copper content).	NONF 5
645710	Beryllium copper wire, bare (specify copper content).	NONF 6
650750	Lead pigs, bars and anodes (include blocks and ingots).	NONF 5
650800	Lead sheets, strips, and pipe (include bends).	NONF 6
650810	Lead plate, including battery plate, not assembled as complete battery units.	NONF 6
651200	Lead solder	NONF 6
651510	Type metal	NONF 5
651515	Antimonial lead	NONF 5
651516	Lead-base Babbitt metal (except scrap and dross) (50 percent or more of lead by weight) (report scrap and dross in 650500; tin-base Babbitt metal in 656517; and Babbitt metal bearings in 769100–769320).	NONF 5
651519	Lead and lead-base alloy semi-fabricated forms, n. e. c. (specify by name).	NONF 3
656501	Tin ore and concentrates	NONF 7
656501	Tin alloy scrap (new and old) (including tin-base Babbitt metal dross and scrap and tin-base antifriction metal dross and scrap).	NONF 7
656507	Tin metal in ingots, pigs, bars, blocks, anodes, cathodes, slabs, and other crude forms.	NONF 8
656517	Tin-base Babbitt metal, except scrap and dross (50 percent or more of tin by weight) (report scrap and dross in 656501; lead-base Babbitt metal in 656516; Babbitt metal bearings in 769100–769320).	NONF 8
656519	Tin pipe, plates, sheets, tubes, and other semifabricated forms (specify by name) (report collapsible tubes in 619059).	NONF 1
657010	Zinc ore and concentrates (zinc content).	NONF 2
657050	Zinc scrap (zinc content) (report zinc dust in 619159).	NONF 2
	Zinc cast in slabs, pigs, or blocks:	
657101	Special high grade, containing not over 0.007 percent lead, not over 0.005 percent iron, not over 0.005 percent cadmium, no aluminum, and at least 99.99 percent zinc.	NONF 9
657103	High grade, containing not over 0.07 percent lead, not over 0.02 percent iron, not over 0.07 percent cadmium, no aluminum, and at least 99.99 percent zinc.	NONF 9
657125	Prime western, containing not over 1.60 percent lead and not over 0.08 percent iron.	NONF 9
657198	Other zinc cast in slabs, pigs, or blocks.	NONF 9
657203	Zinc rolled in sheets, plates, and strips.	NONF 10
657505	Zinc alloys, except brass and bronze.	NONF 10
657507	Zinc die castings	NONF 10
658901	Battery shells, and parts, unassembled.	NONF 10
658905	Zinc and zinc alloy semifabricated forms, n. e. c. (excluding zinc-coated iron and steel products) (specify by name).	NONF 10
664514	Cadmium dross, flue dust, residues, and scrap.	NONF 11
664514	Cadmium metals (metallic shapes included).	NONF 11
664514	Cadmium alloys	NONF 11
	Nonferrous ores and concentrates, n. e. c. (specify by name) (report radium ore concentrates in 853010):	
664998	Europium rare earth	MINL 3
664998	Gadolinium rare earth	MINL 3
664998	Lanthanum rare earth	MINL 3
664998	Praseodymium rare earth	MINL 3
664998	Samarium rare earth	MINL 3
664998	Other rare earths, n. e. c.	MINL 3
	Nonferrous metals and alloys in crude form, scrap, and semi-fabricated forms, n. e. c. (specify by name):	
664998	Gallium metal	MINL 3
664998	Germanium metal	MINL 3
664998	Hafnium metal	MINL 3
664998	Lanthanum metal	MINL 3
664998	Indium metal	MINL 3
664998	Polonium metal	MINL 3
664998	Strontium metal	MINL 3
664998	Other rare metals, n. e. c.	MINL 3
	Pole line, transmission, and distribution hardware, n. e. c., and specially fabricated parts, n. e. c.:	
709495	Copper bus bars	NONF 5
	Insulated wire and cable:	
709810	Building wire and cable	NONF 7
709850	Weatherproof and slow-burning wire.	NONF 7
709855	Communication and signal wire and cable (specify by name).	NONF 7
709860	Rubber and/or synthetic rubber-sheathed portable cord, wire and cable (specify by name).	NONF 7
709865	Other rubber and/or synthetic rubber-insulated wire and cable (except building wire and cable), with plain, braided, leaded, or armored finishes (specify by name).	NONF 7
709870	Varnished-cambric insulated wire and cable, with braided, leaded, or armored finishes (specify by name).	NONF 7
709875	Paper-insulated power cable, with leaded or armored finishes (specify by name).	NONF 7
709885	Insulated wire and cable, n. e. c. (specify by name).	NONF 7
	Biologics (all forms):	
812100	Other serums, antitoxins, and toxoids for human use.	DRUG 4
812200	Vaccines for human use	DRUG 4
812390	Adreno cortico tropic hormone all forms (ACTH, etc.)	DRUG 5
812390	11-dehydro-17 hydroxycorticosterone, all forms (Cortisone, Certone, Certogen, etc.).	DRUG 5
812390	Other biologic products, n. e. c. (include synthetic forms) (specify by name).	DRUG 5
	Medicinal chemicals, including U. S. P. and N. F., bulk (dosage forms excluded except as indicated):	
	Antibiotics, derivatives and preparations, all forms except feed supplements (report antibiotic feed supplements containing not less than 100,000 Oxford Units of penicillin, or 100,000 units of bacitracin, per pound, or not less than one-tenth gram of any other antibiotic per pound, in 814310; and prepared feeds containing less than 100,000 Oxford Units of penicillin, or 100,000 units of bacitracin, per pound, or less than one-tenth gram of any other antibiotic per pound, in 117500, 117700, 118500 or 119000, according to type of feed):	
	Penicillin:	
813564	Bulk	DRUG 2
813565	Dosage forms (including all forms not requiring further processing, regardless of type and size of packing).	DRUG 2
	Streptomycin:	
813568	Bulk	DRUG 3
813570	Dosage forms (including all forms not requiring further processing, regardless of type and size of packing).	DRUG 3
	Dihydrostreptomycin:	
813571	Bulk	DRUG 3
813572	Dosage forms (including all forms not requiring further processing, regardless of type and size of packing).	DRUG 3

This part of the amendment shall become effective as of March 31, 1953.

7. The following commodities are made subject to the IC/DV procedure (see § 373.2 of this subchapter) Accordingly, the letter "A" is inserted in the column headed "Commodity Lists" opposite those commodities:

Dept. of Commerce Schedule B No.	Commodity
	Physical properties testing and inspecting machines, n. e. c., and specially fabricated parts and accessories, n. e. c.:
709299	Dynamometers: hydraulic, electric, and torsion types; and specially fabricated parts.
709299	Electric strain gauge equipment assemblies for measuring, indicating or recording strains electrically.

This part of the amendment shall become effective as of May 5, 1953.

8. The following commodities are no longer subject to the IC/DV procedure (see § 373.2 of this subchapter) Accordingly, the letter "A" set forth in the column headed "Commodity Lists" opposite those commodities is hereby deleted:

Dept. of Commerce Schedule B No.	Commodity
	Physical properties testing and inspecting machines, n. e. c., and specially fabricated parts and accessories, n. e. c.:
766990	Penetron gamma ray thickness meters, and specially fabricated parts and accessories, n. e. c.

This part of the amendment shall become effective as of March 31, 1953.

9. The following commodities are made subject to the dollar-limit (DL) restrictions (see § 374.2 (e) of this subchapter) Accordingly, the letter "B" is inserted in the column headed "Commodity Lists" opposite those commodities:

Dept. of Commerce Schedule B No.	Commodity
	Biologics (all forms):
812100	Human blood plasma (report blood plasma for relief in 999890).
843800	Polytrifluorochlorothylene (Kel-F) dispersion.

This part of the amendment shall become effective as of May 1, 1953.

10. The following commodities are no longer subject to the dollar-limit (DL) restrictions (see § 374.2 (e) of this subchapter) Accordingly, the letter "B" set forth in the column headed "Commodity Lists" opposite those commodities is hereby deleted.

Dept. of Commerce Schedule B No.	Commodity
	Graphite, natural:
547210	Amorphous (specify carbon content and country of origin).
547220	Crystalline flake, lump, or chip.
569095	Kyanite and allied minerals, crude, ground, or calcined.
	Pipe fittings not specially fabricated for particular machines or equipment:
618957	Copper-base alloy pipe fittings (including brass and bronze) (specify by name).
618959	Aluminum pipe fittings.
618959	Copper pipe fittings.
	Construction materials:
	Sash, sections, and frames, door and window:
618984	Aluminum.
	Construction materials, n. e. c.:
618987	Aluminum (specify by name).
	Welding rods and wires:
619034	Brass and bronze welding electrodes and welding rods (including phosphor bronze).
619034	Phosphor copper brazing rods and wires.
619039	Aluminum and aluminum base alloys.
619039	Copper.
	Wire products, n. e. c. (report wire nails, staples, and spikes in 618267–618273):
	Wire cloth:
	Insect screen cloth:
619052	Aluminum.
	Metal powders:
619158	Zinc dust (specify zinc content).
	Metal manufactures, n. e. c., and parts, n. e. c.:
	Other metals, except precious (specify by name and type of metal):
619950	Lead burning bars.
622098	Ferrozirconium (specify zirconium content).
650750	Lead pigs, bars and anodes (include blocks and ingots).
650800	Lead sheets, strips, and pipe (include bends).
650810	Lead plate, including battery plate, not assembled as complete battery units.
651510	Type metal.
651515	Antimonial lead.
651516	Lead-base Babbitt metal (except scrap and dross) (50 percent or more of lead by weight) (report scrap and dross in 650500; tin-base Babbitt metal in 656517; and Babbitt metal bearings in 769100–769320).
651519	Lead and lead-base alloy semifabricated forms, n. e. c. (specify by name).
656501	Tin ore and concentrates.
657050	Zinc scrap (zinc content) (report zinc dust in 619158).
	Zinc cast in slabs, pigs, or blocks:
657101	Special high grade, containing not over 0.007 percent lead, not over 0.005 percent iron, not over 0.005 percent cadmium, no aluminum, and at least 99.99 percent zinc.
657103	High grade, containing not over 0.07 percent lead, not over 0.02 percent iron, not over 0.07 percent cadmium, no aluminum, and at least 99.99 percent zinc.
657125	Prime western, containing not over 1.60 percent lead and not over 0.08 percent iron.
657198	Other zinc cast in slabs, pigs, or blocks.
657208	Zinc rolled in sheets, plates, and strips.
657305	Zinc alloys, except brass and bronze.
657307	Zinc die castings (specify whether finished or unfinished).
658901	Battery shells, and parts, unassembled.
658905	Zinc and zinc alloy semifabricated forms, n. e. c. (excluding zinc-coated iron and steel products) (specify by name).
	Antimony:
664501	Ores and concentrates (including antimony matter containing lead).
664502	Metal and alloys in crude form (including regulus, needle or liquated antimony, and antimony-bearing scrap metal).
664503	Semifabricated forms, n. e. c. (specify by name).
	Chromium or chromite:
664522	Metal and chromium-bearing alloys in crude form, and scrap.
664523	Semifabricated forms, n. e. c. (specify by name).
	Manganese:
664540	Ores and concentrates, containing 10 percent or more manganese.
664543	Semifabricated forms, n. e. c. (specify by name).
	Vanadium (report ferrovanadium and other vanadium alloying materials containing over 6 percent vanadium in 622086; chemically pure grades of vanadium in 829970):
664587	Vanadium flue dust.
664587	Other vanadium waste materials (specify V_2O_5 content).
800600	Benzol or benzene.
	Coal-tar intermediates, except coal-tar acids:
	Other coal-tar intermediates (specify by name):
802590	Dibutyl sebacate; and dibenzyl sebacate.
802590	Resorcinol (resorcin; meta-dihydroxybenzene).
	Medicinal chemicals, including U. S. P. and N. F., bulk (dosage forms excluded except as indicated):
813583	Bismuth salts and compounds, bulk (report dosage forms in 812400 for liquids, 812790 for solids, 813591 for parenteral solutions or ampoules).
	Plastics and resin materials:
	Synthetic resins:
	Synthetic resins, n. e. c. in all unfinished forms, except laminated, including film, monofilaments, and bristles (report laminated plastic products in 826010 and 826050; manufactured plastic products in 981510 and 981590; monofilaments for weaving into fabrics in 384050 and 384052; woven fabrics in 384600–384985) (specify by name):
	Molding and extrusion compounds, including scrap:
825910	Plastic-type nylon (specify manufacturer's type number).
825910	Polyethylene (specify whether virgin or scrap).
	All other unfinished forms:
825950	Polyethylene (specify whether virgin or scrap).
825950	Other unfinished forms, n. e. c.
	Chemical specialty compounds, n. e. c.:
829990	Plasticizers containing compounds of sebacic acid (plasticizers containing butyl benzyl sebacate, dibenzyl sebacate, dibutyl sebacate, diethylhexyl sebacate, dihexyl sebacate, dimethyl sebacate, dioctyl sebacate, and other sebacate esters).
	Acids and anhydrides:
830300	Naphthenic acid.
830300	Sebacic acid.
	Inorganic:
830960	Sulfuric acid of strengths 93 percent or stronger, including oleum (fuming sulfuric acid) (in addition to the actual weight, specify strength as percentage H_2SO_4).
	Organic chemicals not of coal-tar origin, n. e. c. (specify by name):
832990	Butyl benzyl sebacate; diethylhexyl sebacate; dihexyl sebacate; dimethyl sebacate; dioctyl sebacate; and other sebacate esters.
832990	Methylene chloride.
	Gases, compressed, liquefied, and solidified, except liquefied petroleum gases (report liquefied petroleum gases in 501300):
	Gaseous refrigerants (specify by name):
839100	Methyl chloride.

This part of the amendment shall become effective as of March 31, 1953.

11. The following commodities are no longer subject to evidence of availability requirements (see § 373.3 of this subchapter) Accordingly, the letter "D" set forth in the column headed "Commodity Lists" opposite those commodities is hereby deleted:

Dept. of Commerce Schedule B No.	Commodity
	Graphite, natural:
547210	Amorphous (specify carbon content and country of origin).
547220	Crystalline flake, lump, or chip.
547290	Other natural graphite.
	Carbon or graphite products (natural and artificial):
547300	Electrodes for furnace or electrolytic work (specify size).
	Mica:
	Unmanufactured (muscovite and phlogopite):
551000	Block, film and splittings, which conform to ASTM or India-Calcutta standards.
596098	Ferrocarbon (silicon carbide briquettes).
	Pipe fittings not specially fabricated for particular machines or equipment:
618957	Copper-base alloy pipe fittings (including brass and bronze) (specify by name).
618959	Aluminum pipe fittings.
618959	Copper pipe fittings.
618959	Lead pipe fittings.
618959	Zinc pipe fittings.
	Construction materials:
	Sash, sections, and frames, door and window:
618984	Aluminum.
	Construction materials, n. e. c.:
618987	Aluminum (specify by name).
	Venetian blinds (including slats and strip), and specially fabricated parts, n. e. c.:
618992	Aluminum.
	Welding rods and wires:
619034	Brass and bronze welding electrodes and welding rods (including phosphor bronze).
619039	Aluminum and aluminum base alloys.
619039	Copper.
619039	Tin.
	Wire products, n. e. c. (report wire nails, staples, and spikes in 618267–618273):
	Wire cloth:
	Insect screen cloth:
619052	Aluminum.
	Foil and leaf (less than 0.006 inch in thickness) (report paper-backed foil in 480100):
619250	Tin foil.
	Metal manufactures, n. e. c., and parts, n. e. c.:
	Other metals, except precious (specify by name and type of metal):
619950	Tin shot; tin slugs; and tin collapsible tubes.
622092	Ferrosilicon (specify silicon content).
622098	Ferrozirconium (specify zirconium content).
650500	Antifriction metal dross and scrap, lead base; and Babbitt metal dross and scrap.
656501	Tin alloy scrap (new and old) (including tin-base Babbitt metal dross and scrap and tin-base antifriction metal dross and scrap).
656507	Tin metal in ingots, pigs, bars, blocks, anodes, cathodes, slabs, and other crude forms.
656519	Tin pipe, plates, sheets, tubes, and other semifabricated forms (specify by name) (report collapsible tubes in 619950).
	Cerium:
664517	Misch metal.
664517	Other ores, metals, and alloys.

Dept. of Commerce Schedule B No.	Commodity
664557	Radium metal (radium content).
	Zirconium:
664595	Ores and concentrates (including sand).
664596	Metal and alloys in crude form, and scrap.
664597	Semifabricated forms, n. e. c. (specify by name).
	Platinum and allied metals:
692209	Palladium, rhodium, iridium, osmiridium, ruthenium, and osmium metal, and alloys.
692990	Platinum allied metal manufactures, n. e. c. (including plated) (specify by name and platinum allied metal content).

This part of the amendment shall become effective as of March 31, 1953.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Parts 2, 3, and 4 of this amendment which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., April 7, 1953, may be exported under the previous general license provisions up to and including April 30, 1953. Any such shipment not laden aboard the exporting carrier on or before April 30, 1953, requires a validated license for export.

Section 399.2 Appendix B—Commodity Interpretations is amended in the following particulars:

1. In *Interpretation 2: Export of machines containing a tool or device incorporating diamonds* the reference to "§ 373.9" is changed to read "§ 373.33"

2. *Interpretations 5. Portable and semi-portable irrigation systems, farm type,* 6: *Machinery and parts,* 7: *Parachutes, parts, and fittings,* 8: *Quartz crystal plate,* 9: *Steel springs,* 10: *Recording tape and recording wire,* 11. *Aerials, antennas, aerial lead-ins, and wire therefor* and 12: *Classification of "parts" of machinery, equipment or other items* are renumbered Interpretations 4, 5, 6, 7, 8, 9, 10, and 11, respectively.

3. In Interpretation 7, now renumbered 6, *Parachutes, parts and fittings* the reference to "§ 370.5" is changed to read "§ 370.4"

Section 399.3 Appendix C—Commodity Processing Codes is amended to read as follows: [1]

§ 399.3 *Appendix C — Commodity processing codes.* The following commodity processing code symbols shall be used by applicants in preparing applications for export licenses:

Schedule B No.	Commodity Group	Processing Code
	Animals, edible	
001000-001600		MEAT
001910-001920		DAPF
	Meat and meat products	
002000-003800		MEAT
003901		DAPF
003905-003909		MEAT
004010-004050		DAPF
040500-004938		MEAT
	Animal oil and fats, edible	
005000-005600		FATS
	Dairy products	
006000-009923		DAPF
	Fish and fish products	
007000-008900		DAPF
	Other edible animal products	
009200-009300		DAPF
009400-009900		MEAT
	Hides and skins raw, except furs	
020102-025008		LEAT
	Leather	
030050-035000		LEAT
	Leather manufactures	
060000-069900		LEAT
	Furs and manufactures	
071300-079000		TEXT
	Animal and fish oils and greases, inedible	
080300-085838		FATS
	Other inedible animals and animal products	
090000-090200		MEAT
092200-093500		TEXT
034205-034228		CDGS
099905		NATS
099920-099950		DAPF
099938		MEAT
	Grains and preparations	
101100 (Barley for seed)		SEED
101100 (Barley, except for seed)		CERL
101200-101500		CERL
102100 (Buckwheat for seed)		SEED
102100 (Buckwheat, except for seed)		CERL
103150		CERL
103170		SEED
103210-103500		CERL
104100 (Oats for seed)		SEED
104100 (Oats, except for seed)		CERL
104300-104400		CERL
105300 (Paddy or rough rice for seed)		SEED
105300 (Paddy or rough rice, except for seed)		CERL
105710-105750		CERL
106100 (Rye for seed)		SEED
106100 (Rye, except for seed)		CERL
107100 (Wheat for seed)		SEED
107100 (Wheat, except for seed)		CERL
107300-109200		CERL
	Fodders and feeds, n. e. c.	
110100-119900		CERL
	Vegetables and preparations, edible	
120120-120140		VEGT
120150		SEED
120213 (Cowpeas for seed)		SEED
120213 (Cowpeas, except for seed)		VEGT
120215 (Chickpeas for seed)		SEED
120215 (Chickpeas, except for seed)		VEGT
120220-120300		VEGT
120250		SEED
120710-121000		VEGT
121100 (Potatoes, white, for seed)		SEED
121100 (Potatoes, white, except for seed)		VEGT
121300-122400		VEGT
122470 (Sweet potatoes, for seed)		SEED
122470 (Sweet potatoes, except for seed)		VEGT
122490-123500		VEGT
123911-123915		CERL
123920-123938		VEGT
	Fruits and preparations	
130100-135008		VEGT
	Nuts and preparations	
137400		SUBT
137510 (Peanuts, shelled, for seed)		SEED
137510 (Peanuts, shelled, except for seed)		SUBT
137550 (Peanuts, not shelled, for seed)		VEGT
137550 (Peanuts, not shelled, except for seed)		SUBT
137610-137935		SUBT
	Vegetable oils, fats and waxes, refined	
142010-145000		FATS
	Cocoa, coffee, tea, and substitutes	
150100-151990		SUBT
	Spices	
154901-154938		SUBT
	Sugar and related products	
161905-163700		SUBT
	Beverages	
170100-178000		SUBT
	Rubber (natural, allied gums, and synthetics) and manufactures	
200100-200900		RUBR
	Naval stores, gums, and resins	
211000-212700		AGCH
213000		SUBT
214000-215...3		AGCH
	Drugs, herbs, leaves, and roots, crude	
220100-220...4		DRUG
220...9		AGCH
220...5		DRUG
	Oilseeds	
221010-222903		FATS
	Vegetable oils, fats, and waxes, crude	
223000-224...3		FATS
225...0-227...3		DRUG
22...9		FATS
	Vegetable dyeing and tanning extracts	
233100-233903		LEAT
	Seeds, except oilseeds	
240100-247000		SEED
	Nursery and floral stock	
248000-249903		SEED
	Tobacco and manufactures	
250110-259900		TOBC
	Miscellaneous vegetable products, inedible	
260100		TEXT
260190		SUBT
260...3		VEGT
	Cotton, unmanufactured	
300000-300100		TEXT
	Cotton semimanufactures	
300200-301500		TEXT
	Cotton manufactures	
301510-310000		TEXT
	Vegetable fibers and manufactures	
320105-321903		TEXT
	Wool, unmanufactured	
300903-300911		TEXT
	Wool semimanufactures	
302000-302000		TEXT
	Wool manufactures	
304200-305903		TEXT
	Hair and manufactures, n. e. c.	
306000-310000		TEXT
	Silk and manufactures	
370200-370900		TEXT
	Man-made (synthetic) fibers and manufactures	
380100-384...1		TEXT
384...5 (Broad woven plastic fabrics based on vinyl or vinylidene chloride resins and copolymers thereof)		RESN
384...9 (Other broad woven synthetic fabrics)		TEXT
384...0-385...00		TEXT
	Miscellaneous textile products	
390100-391900		TEXT
392...0		CDGS
393000-399900		TEXT
	Wood, unmanufactured	
400100-400900		LUMB
	Sawmill products	
405111-415900		LUMB
	Wood manufactures	
416000-418900		LUMB
419104-420050		CONT
421601-422900		CDGS
422...0-421970		BLDG
421990-429900		CDGS
	Cork and manufactures	
430000-439900		CORK
	Paper base stocks	
440000-442000		PULP
442...0		TEXT
443...0-449903		PULP

[1] This amendment includes the revisions in processing codes announced in Current Export Bulletin No. 698, dated March 31, 1953.

Schedule B No.	Commodity Group	Processing Code
	Paper, related products and manufactures	
480100-486400		PULP
487110-487500		CONT
487800-489900		PULP
	Coal and related fuels	
500100-500400		COAL
	Petroleum and products	
501100-504700		PETR
504803		COAL
505200-505900		PETR
	Stone, hydraulic cement and lime	
510100-517000		BLDG
517100		AGCH
	Glass and products	
521210-522010		BLDG
523098		CDGS
523110-523130		SATE
523150		BLDG
523210-523600		CONT
523710-529100		CDGS
529200		ELME
529300-529900		CDGS
	Clay and products	
530300-530912		MINL
532010-532050		CDGS
533210-533400		BLDG
533510-533610		ELME
533700-533800		CDGS
536100-537600		BLDG
537800		CDGS
	Other nonmetallic minerals (precious included)	
540600-540905		TOOL
540910		CDGS
540930-540940		MINL
540950		CDGS
540990-541140		MINL
541150		CDGS
541210-541220		TOOL
541400-542000		CDGS
542050 (Iron and steel shot, chilled)		STEE
542050 (Other metal abrasives)		CDGS
545110-545150		MINL
545400-545550		BLDG
545600-545910		TRAN
545960-546000		BLDG
547000		MINL
547100		BLDG
547210-547300		MINL
547400		ELME
547800		FILM
548050		MINL
548098 (Graphite greases and lubricants)		PETR
548098 (Other carbon and graphite products)		MINL
548350-549010		BLDG
551000-551300		MINL
571410-571500		SALT
572250 (Magnesia cement)		BLDG
572250 (Other magnesite, magnesia and manufactures)		MINL
572400		SUBT
573600-573700		MINL
588000		CDGS
595050-595090		RARA
596012-596020		MINL
596025		COAL
596031-596095		MINL
596098 (Iron pyrites; cuprous pyrites; crude sulfur of less than 85 percent sulfur content; and sulfur ore)		SALT
596098 (Other nonmetallic mineral products)		MINL
599005-599098		CDGS
	Iron ore and concentrates	
600100		STEE
	Pig iron	
600700		STEE
	Iron and steel scrap	
601010-601150		STEE
601160		TNPL
601170		STEE
	Iron bars, skelp and pipe	
601201-601211		STEE
601213		BLDG
	Steel mill products, semifinished	
601602-601950		STEE
	Steel mill products, rolled and finished	
602010-603910		STEE
604010-604170		TNPL
604180-609195		STEE
	Castings and forgings	
610000-610495		STEE
	Railway car and locomotive wheels, tires, and axles (rolled and forged)	
610516-610538		STEE
	Metal manufactures	
611200-612370		CDGS
612380		TNPL
612910-613710		CDGS
613810-613830		STEE
614310-615298		BLDG
615310-615350		CDGS
615450		TOOL
615517-615520		GIEQ
615698-617898		CDGS
617901-617903		TOOL
617905 (Molybdenum tool bit blanks)		TOOL
617905 (Other tool bit blanks)		STEE
617910-618150		BLDG
618210		STEE
618230-618250		BLDG
618261		STEE
618263-618265		BLDG
618267		STEE
618269		BLDG
618271		STEE
618273-618855		BLDG
618858-618859		CDGS
618910		STEE
618920		BLDG
618930-618951		STEE
618957		NONF
618959 (Aluminum, copper, lead, and zinc)		NONF
618959 (Other metal)		CDGS
618961-618973		STEE
618974		BLDG
618975-618976		STEE
618977		BLDG
618979		STEE
618981-618983		BLDG
618984-618985		NONF
618986		BLDG
618987		NONF
618988-618991		CDGS
618992-618993		NONF
618994		GIEQ
618995-618996		CDGS
619011		STEE
619012 (Milk cans)		CONT
619012 (Other filled shipping containers)		STEE
619021		STEE
619022 (Milk cans)		CONT
619022 (Steel shipping containers, unfilled, except milk)		STEE
619022 (Other shipping containers, unfilled)		NONF
619031-619033		STEE
619034		NONF
619039 (Cobalt; molybdenum; tungsten, including carbide)		MINL
619039 (Other metals)		NONF
619047		STEE
619051		BLDG
619052-619053		NONF
619054-619055		BLDG
619056		GIEQ
619057		CDGS
619058		STEE
619059		CDGS
619061		STEE
619063		CDGS
619065		STEE
619066		CDGS
619067-619120		STEE
619130-619140		NONF
619151-619157		MINL
619158		NONF
619159 (Selenium)		MINL
619159 (Other metal)		NONF
619230-619250		NONF
619850		PRIN
619861		BLDG
619863-619865		CDGS
619910 (Punchings, iron and steel, except electrical steel; steel shot; flexible tubing, except electrical; stainless steel packing; and tubular steel scaffolding equipment)		STEE
619910 (Other iron and steel manufactures)		CDGS
619950 (Brass or bronze bushings)		GIEQ
619950 (Burning bars; lead collapsible tubes; nickel catalysts and slugs; tenaplate; and tin shot, slugs and collapsible tubes)		NONF
619950 (other metal manufactures, except precious metals)		CDGS
	Ferroalloys	
621303-622098		MINL
	Aluminum ores, concentrates, scrap, and forms	
630010-630650		NONF
	Copper ores, concentrates, scrap, and forms	
640100-642900		NONF
	Copper-base alloys (including brass and bronze), scrap and semifabricated forms	
644000-647950		NONF
	Lead ores, concentrates, scrap and semifabricated forms	
650406-651519		NONF
	Nickel ores, concentrates, and semifabricated forms	
654501-654519		NONF
	Tin ores, concentrates, scrap and semifabricated forms	
656501-656519		NONF
	Zinc ores, concentrates, scrap and semifabricated forms	
657010-658905		NONF
	Other nonferrous ores, concentrates, scrap and semifabricated forms (except precious)	
664501-664512		MINL
664514		NONF
664517-664540		MINL
664541 (Manganese copper)		NONF
664541 (Other manganese metal and alloys)		MINL
664543-664998		MINL
	Precious metals and plated ware, n. e. c.	
681000-681930 (Licensed by Treasury Department)		
681950-692990		MINL
695610-699710		CDGS
	Electrical machinery and apparatus	
700000-701200		ELME
701300		TRAN
701400		ELME
701600-701800		CDGS
701910-702300		ELME
702310		CDGS
702320-704300		ELME
704330		TRAN
704810-705500		ELME
705560 (Electric mining and industrial locomotives, underground type).		MINE
705560 (Electric mining and industrial locomotives, surface type).		TRAN
705607-705705		ELME
705715-706555		CDGS
706590		MINL
706600		ELME
706812-707380		CDGS
707395-707492		ELME
707505-707509		SATE
707550 (Tungsten X-ray targets)		MINL
707550 (Other X-ray apparatus)		SATE
707590		SATE
707607-707810		RARA
707812		ELME
707815-708410		RARA
708460-708900		ELME
709020 (Licensed by State Department)		
709030		TRAN
709210 (Licensed by State Department)		
709220		TRAN
709410-709490		BLDG
709495 (Aluminum and copper bus bars)		NONF
709495 (Other pole line, transmission and distribution hardware)		ELME
709500-709605		BLDG
709610		CDGS
709620		BLDG
709630		CDGS
709640		ELME
709690		CDGS
709810-709860		NONF
709865 (Automotive insulated wire, 100 feet or less)		TRAN
709865 (Other rubber and/or synthetic rubber-insulated wire and cable)		NONF
709870-709885		NONF
709903		ELME
709907 (Diathermy tubes)		SATE
709907 (Other electronic tubes n. e. c)		ELME
709909 (Getters)		RARA
709909 (Tantalum rings)		MINL
709909 (Other parts, n. e. c. for radio transmitter tubes)		RARA
709909 (Parts, n. e. c., for other electronic and cathode-ray tubes n. e. c.)		ELME
709920		STEE
709998		ELME
	Engines, turbines and parts, n. e. c.	
711110-711310		GIEQ
711410		ELME
711510		GIEQ
711900 (Parts for water wheels and water turbines)		ELME
711900 (Parts for steam engines and turbines, n. e. c.)		GIEQ
713200-713920		GIEQ
714220-715900		TRAN
716000		GIEQ
	Construction, excavating, mining and related machinery	
720112-720142		CONS
720147		MINE
720160 (Power excavators, used and rebuilt)		CONS
720160 (Dredging machines, used and rebuilt)		MINE
720210 (Parts, accessories and attachments for power excavators)		CONS
720210 (Parts, accessories and attachments for dredging machines)		MINE
720240		CONS
720310-720490		MINE
721510-722027		CONS

Schedule B No.	Commodity Group	Processing Code
	Construction, excavating, mining and related machinery—Continued	
722030	(Attachments for wheel-type tractors)	AGMT
722030	(Attachments for trucks and track-laying tractors)	CONS
722040		CONS
722045	(Parts and accessories for agricultural wheel-type tractor attachments)	AGMT
722045	(Other construction and maintenance equipment)	CONS
723010–725080		CONS
725090–724965		MINE
725003–725020		CONS
725035		GIEQ
725050		CONS
730500–733950		MINE
	Machine tools and parts	
740005–746010		TOOL
	Textiles, sewing, and shoe machinery	
750050–754900		GIEQ
755105–755107		CDGS
755205–757500		GIEQ
	Other industrial machines and parts	
760010–763900		GIEQ
764605		CDGS
764615–766990		GIEQ
766993		TOOL
766995		MINE
767100–769315		GIEQ
769320	(Water-lubricated bearings, rubber)	RUBR
769320	(Other bearings and parts)	GIEQ
770400–770775		CONS
770790–770870		GIEQ
770900–770970		CONS
770975		TRAN
770980		CONS
770995	(Parts for mechanical vacuum pumps and diffusion vacuum pumps)	GIEQ
770995	(Parts for measuring and dispensing pumps)	TRAN
770995	(Parts for other pumps)	CONS
771120–774200		GIEQ
774300–774370		CDGS
774450–775040		GIEQ
775043–775049		MINE
775052–775075		GIEQ
775080		MINE
775090		GIEQ
775100–775150		MINE
775210–775998		GIEQ
	Office machines and parts	
776010–777990		CDGS
	Printing and bookbinding machinery	
779000–779510		PRIN
	Agricultural machines, implements and parts	
780130–787190		AGMT
	Tractors, parts and accessories	
787310–787597		CONS
787610–787930		AGMT
788901		CONS
788905		AGMT
	Automobiles, trucks, busses and trailers, parts, accessories, and service equipment	
790013–792730		TRAN
793185	(Jacks for garage use)	CONS
793185	(Reboring machines)	TOOL
793185	(Other automobile, truck, bus, and truck-tractor service appliances and parts)	TRAN
	Aircraft parts and accessories	
793210–794950	(Licensed by State Department)	
794960	(Landing mats, aircraft)	STEE
794960	(Test kits for aircraft instruments; and test sets for ignition harnesses)	ELME
794960	(Other aircraft training, ground handling and maintenance equipment)	TRAN
	Watercraft	
795100–795150	(Export authorization required by Maritime Commission)	TRAN
795155		
795160	(Licensed by State Department.)	
795165	(Turrets, armor plate; mine layer parts and accessories; mine sweeper parts and accessories: licensed by State Department.)	
795165	(Other parts and accessories for naval craft)	TRAN
795170		TRAN
	Railway transportation equipment	
796102–796112		TRAN
796114		MINE
796117	(Used and rebuilt locomotives, underground type)	MINE
796117	(Used and rebuilt locomotives, surface type)	TRAN
796118–796168		TRAN
796172	(Parts and accessories for underground mine locomotives)	MINE
796172	(Parts and accessories for surface type locomotives)	TRAN
796182–796198		TRAN
	Other vehicles and parts	
797100–797105		CDGS
797110–797130		TRAN
799100–799930		CDGS
	Coal-tar products	
800500–800600		COTA
800700		COAL
801000–802998		COTA
	Medicinal and pharmaceutical preparations	
811100		DRUG
811300		PETR
811910–815050		DRUG
	Chemical specialties	
820010–820390		AGCH
820700		COTA
820900		AGCH
823000		CERL
823300		SALT
823850	(Sulfonated castor oil)	FATS
823870	(Other textile specialty compounds)	SALT
823900	(Sulfonated castor oil)	FATS
823900	(Other tanning compounds)	SALT
824000–825000		SALT
825100–827210		RESN
827200–829000		PLAT
829100		CDGS
829200		LEAT
829300–829400		PLAT
829510–829550		ORGN
829540		NATS
829555–829600		SUBT
829700		SALT
829810–829850		COTA
829910–829920		PETR
829930		ORGN
829940		DRUG
829950		NATS
829970	(Sodium bismuthate)	DRUG
829970	(Other reagent chemicals)	ORGN
829980		COTA
829984		SALT
829990	(Platinum liquids, for decorating china and glass; platinum plating solutions)	SALT
829990	Other chemical specialty compounds, n. e. c.	ORGN
	Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.)	
830010–830300		ORGN
830700		ACID
830910		SALT
830930–830950		ACID
831000–832500		ORGN
832700–832850		RESN
832910–832970		ORGN
832980		SALT
832990		ORGN
833000–837350		SALT
837360	(Sodium nitrate)	FERT
837990	(Other sodium compounds, n. e. c.)	SALT
838100		SALT
838400		FERT
838500	(Ammonium phosphate; ammonium sulfate; and urea)	FERT
838500	(Other ammonium compounds, except fertilizers, n. e. c.)	SALT
839000–839760		SALT
839200	(Calcium molybdate)	MINL
839900	(Copper sulfate)	AGCH
839900	(Other industrial chemicals)	SALT
	Pigments, paints and varnishes	
840100–840500		PLAT
841100–841400		SALT
841900–842350		PLAT
842400–842900		SALT
843000–844500		PLAT
	Fertilizers and fertilizer materials	
850500–855100		FERT
	Soil improvement materials	
855000–857000		FERT
	Explosives, fuses and blasting caps	
860100–862800		ORGN
	Soap and toilet preparations	
871100–872900		FATS
873400–877000		DRUG
	Photographic and projection goods	
900050–914500		FILM
	Scientific and professional instruments, apparatus and supplies, n. e. c.	
914200–914998		SATE
915000		CDGS
915200–915750		SATE
915810–916050		SATE
916910	(Meteorological sounding balloons)	RUBR
916910	(Other meteorological instruments, and parts)	SATE
916950–916999		SATE
	Musical instruments, parts and accessories	
921100–927700		CDGS
	Miscellaneous office supplies	
929310–930900		CDGS
	Toys, athletic and sporting goods	
940000–944900		CDGS
	Ordnance and pyrotechnics	
947000–947229	(Licenced by State Department.)	
947230		CDGS
947400	(Licenced by State Department.)	
947410	(Gun part fabrications, brass and bronze)	NONF
947450	(Other parts and accessories for small arms: licenced by State Department.)	
947530	(Licenced by State Department.)	
947550	(Gun part fabrications, brass and bronze)	NONF
947650	(Other parts and accessories for artillery and naval guns, mortars, rocket and missile launchers: licenced by State Department.)	
947650–947670	(Licenced by State Department.)	
948162		CDGS
948164	(Licenced by State Department.)	
948163	(Brass and bronze manufactures for munitions components)	NONF
948169	(Other components and parts for small arms ammunition: licenced by State Department.)	
948200	(Licenced by State Department.)	
948250	(Anvils for shell fabrications, brass and bronze; brass and bronze manufactures for munitions components, n. e. c.; gas checks, copper; copper rotating bands for shells; and other copper munitions components)	NONF
948250	(Other components and parts, n. e. c. for artillery, naval gun, and mortar ammunition; licenced by State Department.)	
948310–948610	(Licenced by State Department.)	
947700		CDGS
	Books, maps, pictures, and other printed matter, n. e. c.	
971000–979000		PRIN
	Miscellaneous commodities, n. e. c.	
997000–998500		CDGS
998510		CONT
998701–998999		CDGS
999200–999300		BLDG
971100–999000		CDGS
999700–999800		SATE
981510		CDGS
981520		COTA
982110–982991		CDGS
982995		TEXT
982500–982900		CDGS
983000		PRIN
983100–987200		CDGS
987310–987350		GFTS
987510		DRUG
987850		SATE
987860		TRAN
987890		NATS
987910		CDGS
987950		TEXT
987970–999900		CDGS

This part of the amendment shall become effective as of March 31, 1953.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 53-3282; Filed, Apr. 17, 1953; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5253]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL LEAD CO. ET AL.[1]

Subpart—*Acquiring stock, or assets, etc., of competitor:* § 3.5 *Acquiring stock, or assets, etc., of competitor* Subpart—*Combining or conspiring:* § 3.400 *To discriminate or stabilize prices through basing point or delivered price systems;* § 3.425 *To enforce or bring about resale price maintenance;* § 3.430 *To enhance, maintain or unify prices.* Subpart—*Discriminating in price under section 2, Clayton Act as amended—Price Discrimination under 2 (a)* § 3.735 *Delivered price systems;* § 3.770 *Quantity rebates or discounts.* Subpart—*Selling and quoting on systematic, price matching basis:* § 3.2193 *Zone, freight equilization and other delivered price systems.* I. In or in connection with the offering for sale, sale or distribution of lead pigments in commerce, and on the part of respondents National Lead Co., The Eagle-Picher Co., The Eagle-Picher Sales Co., Anaconda Copper Mining Co., International Smelting & Refining Co., The Sherwin-Williams Co., and The Glidden Co., and their respective officers, etc., entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to (1) establish, fix, or maintain prices, terms, or conditions of sale for lead pigments, or adhere to any prices, terms, or conditions of sale so fixed or maintained; (2) quote or sell lead pigments at prices calculated or determined in whole or in part pursuant to or in accordance with a zone delivered price system; or quote or sell lead pigments pursuant to or in accordance with any other plan or system which results in identical price quotations or prices for lead pigments at points of quotation or sale or to particular purchasers by any two or more sellers of lead pigments using such plan or system, or which prevents purchasers from finding any advantage in price in dealing with one or more as against another seller; (3) quote or sell lead pigments at specified differentials over any particular quotation or quotations of pig lead prices; (4) quote or sell lead pigments at specific price differentials based upon differing sizes or types of containers or based upon differing quantities in which such products are sold or delivered; (5) enter into, employ or continue in effect, any agency or consignment contract, plan or arrangement under which the resale prices or selling practices of any dealer or distributor are controlled or directed; or (6) issue to dealers suggested resale prices, dealers' price schedules, or list prices for the purpose or with the effect of inducing dealers to observe uniform resale prices and refrain from price competition among themselves; and, II, in the aforesaid connection, and on the part of each respondent, its officers, etc., quoting or selling lead pigments at prices calculated or determined in whole or in part pursuant to or in accordance with a zone delivered price system for the purpose or with the effect of systematically matching the delivered price quotations or the delivered prices of other sellers of lead pigments and thereby preventing purchasers from finding any advantage in price in dealing with one or more sellers as against another; and, III, in connection with the sale of lead pigments in commerce, and on the part of each respondent, its officers, etc., discriminating, directly or indirectly, in the price of lead pigments of like grade and quality (1) by selling such lead pigments at different zone delivered prices to purchasers located in different territorial zones when such purchasers are in competition with one another in the resale or distribution of said products, either as lead pigments or as components of other products; and (2) by selling such lead pigments to purchasers competing in the resale or distribution thereof, either as lead pigments or as components of other products, at different prices which vary according to the quantities in which said products are to such purchasers sold or delivered, except at such differentials as were not shown to have resulted in adverse competitive effects or as were shown to have been justified on the basis of differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the products were sold or delivered; and, IV acquiring or attempting to acquire, on the part of respondent National Lead Co., its officers, etc., directly or indirectly, any interest of ownership or control in the capital stock, or in the physical assets, plants, or other properties, of any concern or enterprise which at the time of such acquisition or attempted acquisition is a competitor of said National Lead Co. in the manufacture or in the sale or distribution of lead pigments; prohibited, subject to the provision, however, as respects the various prohibitions set forth in Part I above, that nothing therein contained shall be construed as prohibiting the establishment or maintenance of bona fide agreements, understandings or other relations between any of the respondents and its officers, directors and employees, or between any of the respondents and any of its subsidiaries or affiliates, relating to the sole and separate business of said respondent and its subsidiaries or affiliates, when not for the purpose or with the effect of unlawfully restricting competition.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interpret or apply sec. 5, 38 Stat. 719, sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 45, 13) [Cease and desist order, National Lead Company et al., New York, N. Y., Docket 5253, January 12, 1953]

In the Matter of National Lead Company, a Corporation, Eagle-Picher Lead Company, a Corporation, Eagle-Picher Sales Company, a Corporation, Anaconda Copper Mining Company, a Corporation, International Smelting & Refining Company, a Corporation, The Sherwin-Williams Company, a Corporation, and The Glidden Company, a Corporation

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission, the respondents' answers thereto, testimony and other evidence in support of and in opposition to the allegations of said amended complaint taken before hearing examiners of the Commission theretofore duly designated by it (the respondents having consented to the substitution of hearing examiners), the recommended decision of the hearing examiner and exceptions thereto, the respondents' appeals from certain rulings of the hearing examiner, briefs in support of the amended complaint and in opposition thereto, and oral arguments of counsel, and the Commission having issued its orders disposing of the exceptions to the recommended decision and the appeals and having made its findings as to the facts[2] and its conclusion[3] that the respondents have violated the provisions of the Federal Trade Commission Act and the provisions of subsection (a) of section 2 of an act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (the Clayton Act) as amended by an act approved June 19, 1936 (the Robinson-Patman Act)

It is ordered, That the respondents, National Lead Company The Eagle-Picher Company, The Eagle-Picher Sales Company, Anaconda Copper Mining Company, International Smelting and Refining Company The Sherwin-Williams Company and The Glidden Company their respective officers, agents, representatives and employees, in or in connection with the offering for sale, sale or distribution of lead pigments in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following things:

1. Establish, fix, or maintain prices, terms, or conditions of sale for lead pigments, or adhere to any prices, terms, or conditions of sale so fixed or maintained.

2. Quote or sell lead pigments at prices calculated or determined in whole or in part pursuant to or in accordance with a zone delivered price system; or quote or sell lead pigments pursuant to or in

[1] On March 12, 1953, and March 13, 1953, all respondents other than The Glidden Co. filed petitions to review the Commission's order in the Court of Appeals for the Seventh Circuit.

[2] Filed as part of the original document together with the opinion of the Commission and the dissenting opinion of Commissioner Mason. Order dated February 4, 1953, correcting Paragraph Four (d) of Findings also filed as part of original document.

accordance with any other plan or system which results in identical price quotations or prices for lead pigments at points of quotation or sale or to particular purchasers by any two or more sellers of lead pigments using such plan or system, or which prevents purchasers from finding any advantage in price in dealing with one or more as against another seller.

3. Quote or sell lead pigments at specified differentials over any particular quotation or quotations of pig lead prices.

4. Quote or sell lead pigments at specific price differentials based upon differing sizes or types of containers or based upon differing quantities in which such products are sold or delivered.

5. Enter into, employ, or continue in effect, any agency or consignment contract, plan or arrangement under which the resale prices or selling practices of any dealer or distributor are controlled or directed.

6. Issue to dealers suggested resale prices, dealers' price schedules, or list prices for the purpose or with the effect of inducing dealers to observe uniform resale prices and refrain from price competition among themselves.

It is further ordered, That nothing contained herein shall be construed as prohibiting the establishment or maintenance of bona fide agreements, understandings or other relations between any of the respondents and its officers, directors and employees, or between any of the respondents and any of its subsidiaries or affiliates, relating to the sole and separate business of said respondent and its subsidiaries or affiliates, when not for the purpose or with the effect of unlawfully restricting competition.

It is further ordered, That each of the respondents, its officers, agents, representatives, and employees, in or in connection with the offering for sale, sale or distribution of lead pigments in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from quoting or selling lead pigments at prices calculated or determined in whole or in part pursuant to or in accordance with a zone delivered price system for the purpose or with the effect of systematically matching the delivered price quotations or the delivered prices of other sellers of lead pigments and thereby preventing purchasers from finding any advantage in price in dealing with one or more sellers as against another.

It is further ordered, That each of said respondents, its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the sale of lead pigments in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of lead pigments of like grade and quality:

1. By selling such lead pigments at different zone delivered prices to purchasers located in different territorial zones when such purchasers are in competition with one another in the resale or distribution of said products, either as lead pigments or as components of other products.

2. By selling such lead pigments to purchasers competing in the resale or distribution thereof, either as lead pigments or as components of other products, at different prices which vary according to the quantities in which said products are to such purchasers sold or delivered, except as such differentials as were not shown in this proceeding to have resulted in adverse competitive effects or as were shown to have been justified on the basis of differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the products were sold or delivered, as stated in the findings as to the facts and conclusion herein.

It is further ordered, That the respondent, National Lead Company, its officers, agents, representatives, and employees, do forthwith cease and desist from acquiring or attempting to acquire, directly or indirectly, any interest of ownership or control in the capital stock, or in the physical assets, plants, or other properties, of any concern or enterprise which at the time of such acquisition or attempted acquisition is a competitor of said National Lead Company in the manufacture or in the sale or distribution of lead pigments.

It is further ordered, That the respondents, National Lead Company, The Eagle-Picher Company, The Eagle-Picher Sales Company, Anaconda Copper Mining Company, International Smelting and Refining Company, The Sherwin-Williams Company, and The Glidden Company, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.[3]

Issued: January 12, 1953.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 53-3395; Filed, Apr. 17, 1953; 8:51 a. m.]

[Docket 6053]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MILLER-SCHULMAN CORP. ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition—Wool Products Labeling Act;* § 3.1325 *Source or origin—Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition—Wool Products Labeling Act;* § 3.1900 *Source or origin—Wool Products Labeling Act.* In connection with the introduction or manufacture for introduction into commerce or the sale, transportation or distribution in commerce, of ladies' coats or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in said act, (1) falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein; (2) failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentages of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter; (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivering for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; (3) failing to separately set forth on the required stamp, tag or label or other means of identification the character and amount of the constituent fibers of the interlinings of any such wool product; or (4) failing to label or mark sample wool products used to promote or effect sales in commerce with the respective fiber contents and other information required by law; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1123–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Miller-Schulman Corporation et al., New York, N. Y., Docket 6053, January 13, 1953]

In the Matter of Miller-Schulman Corporation, a Corporation, and David Miller and David Schulman, Individually and as Officers of Said Corporation

This proceeding was instituted by complaint which charged, respondents with the use of unfair and deceptive acts and practices in violation of the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act.

It was disposed of, as announced by the Commission's "Notice," dated January 15, 1953, through the consent settle-

[3] Commissioner Mason dissenting and Commissioner Carretta not participating for the reason that oral argument on the merits was heard prior to his appointment to the Commission.

ment procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on January 13, 1953, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts [1] and conclusion,[1] reads as follows:

It is ordered, That the respondents, Miller-Schulman Corporation, a corporation, and its officers, and David Miller and David Schulman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce or the sale, transportation or distribution in commerce as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939 of ladies' coats or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool" "reprocessed wool" or "reused wool" as those terms are defined in said act, do forthwith cease and desist from:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentages of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivering for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

3. Failing to separately set forth on the required stamp, tag or label or other means of identification, the character and amount of the constituent fibers of the interlinings of any such wool product.

4. Failing to label or mark sample wool products used to promote or effect sales in commerce with the respective fiber contents and other information required by law. *Provided,* That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further* That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with said order.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and ordered entered of record on this 13th day of January A. D. 1953.

Issued: January 15, 1953.

By direction of the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 53-3394; Filed, Apr. 17, 1953; 8:50 a. m.]

[1] Filed as part of the original document.

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter E—Credit to Indians

PART 21—GENERAL CREDIT TO INDIANS

INTEREST

On January 13, 1953, there was published in the daily issue of the FEDERAL REGISTER notice of intention to amend § 21.6 of the regulations in Title 25, approved by the Secretary of the Interior November 17, 1950. Interested persons were given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Dillon S. Myer, Commissioner of Indian Affairs, Washington 25, D. C., within 30 days from the date of the publication of the notice of intention in the daily issue of the FEDERAL REGISTER. The views and data or arguments submitted by interested persons having been duly considered and the 30 day period for submittal thereof having expired, § 21.6 of said regulations is amended to read as hereinafter indicated:

§ 21.6 *Interest.* (a) On loans by the United States, borrowers shall pay interest at the rate specified in the loan agreement, which shall be as follows: (1) Two per cent per annum on loans made to Indian chartered corporations and unincorporated tribes and bands, where the loan is for the purpose of enabling the borrower to make loans to individual members, cooperative associations, and subordinate bands; (2) two per cent per annum on loans made to credit associations; (3) not less than four per cent per annum nor more than five per cent per annum on loans made to finance corporate or tribal enterprises, except that two per cent per annum shall be charged on loans to enterprises financed from the loan fund authorized by the act of April 19, 1950 (64 Stat. 45), and (4) not less than four per cent per annum nor more than six per cent per annum on loans made to individuals for other than educational purposes, and on loans made to cooperative associations, other than credit associations.

(b) On loans by Indian organizations, borrowers shall pay interest at the rates specified in their loan agreements with such organizations, but the rates shall be not less than those charged the organizations by the United States.

(c) On all of the foregoing loans, interest shall be calculated on the basis of 360 days per annum.

(d) Nothing contained in this section shall be deemed to affect the rate of interest on loan agreements in effect on the date of promulgation of this section.

(Sec. 10, 48 Stat. 986; 25 U. S. C. 470)

Dated: April 13, 1953.

DOUGLAS MCKAY, *Secretary of the Interior*

[F R. Doc. 53-3358; Filed, Apr. 17, 1953; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

PART 3—RADIO BROADCAST SERVICES

APPLICATION FOR NEW BROADCAST STATION LICENSE

In the matter of amendment of FCC Form 302.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of April 1953;

On April 14, 1952, the Commission issued its Sixth Report and Order in the television proceedings, which among other things, adopted new television rules and amended FCC Form 301. The FM rules were amended in 1950 to delete the requirement that field intensity measurements should be submitted as a part of Form 302. However, the present FCC Form 302—Application for New Broadcast Station License (Revised 6-16-48) was not revised to conform to these rule changes. Therefore, FCC Form 302 has been revised to incorporate the provisions of the new rules as well as to make minor editorial changes and changes in format. Present FCC Form 302 may be used until the revised form becomes available.

In light of the nature of the amendments adopted herein the provisions of section IV of the Administrative Procedure Act with respect to notice of proposed rule making are inapplicable.

The authority for the amendments adopted herein is contained in sections 4 (i) 301 and 303 of the Communications Act of 1934, as amended:

It is ordered, That FCC Form 302, "Application for New Broadcast Station

License" is revised to comply with the Commission's rules and standards.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303)

Released: April 13, 1953.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] T. J. SLOWIE,
Secretary,

[F. R. Doc. 53-3433; Filed, Apr. 17, 1953; 8:53 a. m.]

[Docket No. 10211]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

REMOTE PICKUP STATIONS

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning frequencies in the bands 2000–3500 kc and 25850–26100 kc; Docket No. 10211.

On May 29, 1952, the Commission issued a notice of proposed rule making (17 F. R. 5329) concerning the amendment of Part 2 of the Commission's rules and regulations which proposed that, effective May 1, 1953, frequencies in the band 2000–3500 kc would no longer be allocated for use by remote pickup base and mobile stations, and that frequencies in the band 25850–26100 kc would be made available for assignment to remote pickup base and mobile stations. The amendments were proposed by the Commission in order to initiate the transition of remote pickup stations from the band 2000–3500 kc to other frequencies allocated for use by such stations so as to provide a more interference-free service, not only for the remote pickup stations but for stations in other services as well. Such a transition is necessary in order that the implementation of other U. S. assignments, as agreed to in the EARC (Geneva, 1951) Region 2 List, may be accomplished at as early a date as is practicable.

Comments were filed in this proceeding by the National Broadcasting Company, Inc., concerning the following points:

a. It was pointed out that under some conditions frequencies of the order of 2000 kc are better than frequencies of the order of 25 Mc.

b. It was argued that some of the frequencies involved in the proposal are not out-of-band under the Atlantic City Radio Regulations.

c. It was stated that "if nevertheless the Commission decides to delete these frequencies from the remote pickup service then such action should be taken subject to the following two conditions:

1. Broadcasters be given two years to modify or amortize existing equipment, and

2. Provisions be made for the use of other frequencies for remote pickup broadcast when existing allocated frequencies are unsuitable for successful transmission. This can be accomplished by amending § 4.433 (c) * * *

The National Association of Radio and Television Broadcasters also filed comments to the following effect:

a. Requested a two year amortization period for existing equipment.

b. Requested that the frequencies 1606, 1622 and 1646 kc be assigned in one group of frequencies to those stations "requesting the lower frequency channels"

c. Requested that special temporary authority be granted for remote pickup use of other frequencies where necessary in particular instances.

d. Supported the Commission's proposal with respect to the 25 Mc band.

e. Requested that certain provisions relative to bandwidths be adopted with respect to Part 4 of the Commission's rules and regulations.

The Commission has considered all of the comments submitted in this proceeding and is of the opinion that the public interest would be served by postponing the effective date of the amendments until February 1, 1954. As to the availability of other frequencies for use by remote pickup stations in special circumstances where the allocated frequencies are unsuitable, the Commission has heretofore authorized and will continue to authorize, on a temporary basis, the use of other frequencies under the jurisdiction of the Commission for such purposes pursuant to the provisions of §§ 2.103 (a) and 4.433 of the Commission's rules.

The suggestions with respect to the grouping of the remaining remote pickup frequencies in the band 1600–2000 kc and the channeling of frequencies in the band 25, 85–26.1 Mc are not part of the present proceeding and they will be taken into consideration with respect to the rule making proceedings concerned with the service rules in Part 4 governing remote pickup stations.

In view of the foregoing, and pursuant to the provisions of section 303 (c) (f) and (r) of the Communications Act of 1934, as amended: *It is ordered,* That, effective February 1, 1954, § 2.104 (a) of the Commission's rules is amended by deleting the terms "remote pickup base" and "remote pickup mobile" from column 11 whenever they appear with respect to the frequency band 2000–3500 kc:

It is further ordered, That, effective immediately no license or renewal of license will be issued for any remote pickup broadcast station authorizing such station to operate in the frequency band 2000–3500 Kc on or after February 1, 1954.

It is further ordered, That, effective immediately § 2.104 (a) is amended in insertion of the following footnote in column 7 applicable to the band 25850–26100 kc:

NG32 the use of frequencies in the band 25.85–26.1 Mc may be authorized in any area to remote pickup broadcast base and mobile stations on the condition that harmful interference is not caused to stations in the broadcast service.

It is further ordered, That, effective immediately § 2.104 (a) of the Commission's rules is amended by making footnote NG22 applicable to the band 25, 850–26, 100 kc.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1032, as amended; 47 U. S. C. 303)

Adopted: April 8, 1953.

Released: April 10, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-3434; Filed, Apr. 17, 1953; 8:53 a. m.]

[Docket No. 10420]

PART 3—RADIO BROADCAST SERVICES

SUBPART G—RULES GOVERNING CONELRAD

In the matter of amendment of Part 3 of the Commission's rules and regulations to effectuate the Commission's CONELRAD Plan for broadcast stations; Docket No. 10420.

The Commission has before it its notice of proposed rule making in the above-captioned matter published March 17, 1953 (18 F. R. 1505) and the comments that were filed by the National Association of Radio and Television Broadcasters and the National Broadcasting Company.

The comments filed by the National Association of Radio and Television Broadcasters made certain specific recommendations with respect to minor editorial changes. These changes have been incorporated as set forth below. In addition to these specific recommendations, the National Association of Radio and Television Broadcasters requested that the time for filing comments be extended 30 days beyond the date on which the Commission's CONELRAD Manual for Broadcast Stations became available. The National Broadcasting Company merely requested that the Commission extend the date for filing comments 30 days to permit certain technical personnel to examine the proposed rules and the Commission's CONELRAD Manual for Broadcast Stations which had not been made available to the National Broadcasting Company.

It is believed that the national welfare requires early implementation of the amendment to Part 3 of the Commission's rules to effectuate the CONELRAD program. The necessary telephone lines have now been installed in virtually all of the CONELRAD clusters and the Plan could be put into effect almost immediately in the event of an emergency. In view of this situation, it is not believed practicable to delay the final implementation of the proposed rules. Should deficiencies appear in the rules or in the Commission's CONELRAD Manual for Broadcast Stations at a later date, these matters can subsequently be taken care of.

These amendments to Part 3 are promulgated by the authority of sections

[1] Commissioner Merrill dissents and issues the following statement: "I think the form could be simplified and certain of the requested data eliminated. In my opinion, the form should also have been designed to permit, if approved, a copy of it being authenticated and returned to the applicant as the license, rather than a new form being issued by the Commission for that purpose."

303 (r) and 606 (c) of the Communications Act and the Executive Order 10312 signed by the President December 10, 1951. *Accordingly, it is ordered,* That Part 3 of the Commission's rules and regulations be amended to include the rules set forth below, effective May 15, 1953.

Adopted: April 8, 1953.

Released: April 10, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

SCOPE AND OBJECTIVES

Sec.
3.901 Scope of subpart.
3.902 Object of plan.

DEFINITIONS

3.910 CONELRAD.
3.911 Air Defense Control Center (ADCC).
3.912 Basic key station.
3.913 Relay key station.
3.914 Skywave key station.
3.915 Radio alert.
3.916 Radio all clear.
3.917 Cluster.
3.918 Sequential control lines.
3.919 CONELRAD manual.

SUPERVISION

3.920 Zones.
3.921 Divisions.

RADIO ALERTS

3.930 Notification of a radio alert.
3.931 Reception of a radio alert.
3.932 Operation during a radio alert.

RADIO ALL CLEARS

3.940 Notification of a radio all clear.

SYSTEM OPERATION

3.950 Procedure.
3.951 Participation.

TESTS

3.960 Alerting system.
3.961 Sequential control lines.
3.962 Entire system.
3.963 Equipment.
3.964 Log entries.

DRILLS

3.970 Notification of a drill.
3.971 Operation during a drill.

AUTHORITY: §§ 3.901 to 3.971 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

SCOPE AND OBJECTIVE

§ 3.901 *Scope of subpart.* This subpart applies to all standard, FM and TV broadcast stations and is for the purpose of providing for operation of certain stations located within the Continental United States during periods of enemy air attack or imminent threat thereof.

§ 3.902 *Object of plan.* The aim of this plan is to minimize the navigational aid that may be obtained from the continued operation of broadcast stations while at the same time providing for transmission of civil defense information to the public. During CONELRAD radio alert periods, when not broadcasting civil defense programs or alert or all-clear notification messages, these stations may, on their own responsibility, broadcast such other programs as they may desire.

DEFINITIONS

§ 3.910 *CONELRAD* The word CONELRAD is a contraction of the words Control of Electromagnetic Radiation and is the general name given to required procedures under authority of Executive Order 10312 dated December 10, 1951.

§ 3.911 *Air Defense Control Center (ADCC)* An air operations center from which an air division (defense) commander supervises and coordinates air defense activities within an air defense sector, including dissemination of warnings, identification and security control of air traffic and utilization of available combat forces in support of the national air defense effort.

§ 3.912 *Basic key station.* A station that receives the radio alert by telephone directly from the ADCC. Basic key stations relay radio alerts to other stations by radio and by telephone.

§ 3.913 *Relay key station.* A station that receives the radio alert by telephone or radio broadcast from a basic key station or other relay key station. Relay key stations pass the radio alert on to other stations by radio broadcast or telephone.

§ 3.914 *Skywave key station.* A station designated to disseminate a radio alert by broadcast primarily during the experimental period as an alternate for local key stations which may not be in operation. It will normally be capable of disseminating the alert over a wide area by means of skywave transmission.

§ 3.915 *Radio alert.* The radio alert is the Department of Defense order to operate stations in accordance with CONELRAD requirements for a period of time, as determined by the Air Division Commander or higher military authority.

§ 3.916 *Radio all clear* The radio all clear is the Department of Defense order to discontinue CONELRAD requirements, as imposed by an outstanding radio alert, with authorization to return to normal operation. It is initiated by the Air Division Commander or higher military authority.

§ 3.917 *Cluster* A cluster is a group of broadcast stations serving a single area, all operating on the same CONELRAD system frequency. All stations in a cluster will be inter-connected by wire lines and will carry a common program.

§ 3.918 *Sequential control lines.* Sequential control lines are the wire lines inter-connecting the several stations in a cluster. By means of a mechanical, manual or electronic device at a central control point, the stations in a cluster are turned on and off in sequence over the circuits provided by the sequential control lines. In some cases these lines may also carry the cluster program.

§ 3.919 *CONELRAD manual.* The CONELRAD manual is the document containing the detailed description of how broadcast stations will be alerted and operated in the CONELRAD system. The manual will be subject to modification from time to time as experience indicates a need for such changes.

SUPERVISION

§ 3.920 *Zones.* CONELRAD activities under the authority of FCC are under the immediate supervision of three FCC Zone Supervisors[1] whose respective zones are coextensive with the three Air Defense Force Areas.

§ 3.921 *Divisions.* Each zone is divided into several divisions corresponding to the USAF Air Divisions. An FCC Coordinating Engineer is assigned to each Air Division and has responsibility under the Zone Supervisor for all CONELRAD activities under the authority of FCC in his division.

RADIO ALERTS

§ 3.930 *Notification of a radio alert.* (a) All notifications of radio alerts and all clears shall be issued by the Air Defense Control Center(s) (ADCC) under the authority of the Air Division Commander or his duly authorized representative, to all basic key stations. All relay key stations will, in turn be notified by the basic key stations or other relay key stations. The remaining stations will then be notified by basic key stations or relay key stations. These notifications will be accomplished either by telephone messages or by radio broadcast.

(b) During the experimental period many of the regular key stations may be off the air. All standard, FM and TV stations will be supplied with the list of skywave key stations at least one of which must be monitored during any period of operation when the regularly used key station is not on the air.

§ 3.931 *Reception of a radio alert.* All standard, FM and TV broadcast stations, including basic key and relay stations, must install the necessary equipment to receive notifications of radio alerts and radio all clears by means of reception of radio broadcast messages, and must maintain this equipment in a state of readiness for reception, including arrangements for human listening watch or automatic alarm devices or both. Such equipment should have its termination at the transmitter control location.

§ 3.932 *Operation during a radio alert.* (a) Immediately upon receipt of a radio alert, either by radio broadcast or telephone, all standard, FM and TV broadcast stations, including such stations operating under equipment or program test authority, will follow the prescribed procedure and transmit an approved sign-off message as set forth in the CONELRAD Manual For Broadcast Stations, then remove the transmitter from the air.

(b) Those stations which are authorized to participate in the operating system, will immediately take necessary steps and begin operations on assigned frequencies in accordance with the terms of their CONELRAD authorizations and current operating instructions.

[1] Each broadcast station will be furnished the name and address of the Zone Supervisor of his Zone.

All other broadcast stations will observe radio silence until the radio all clear.

(c) No identification may be broadcast between the time the radio alert is received and the time the radio all clear is announced, unless expressly authorized by the FCC. The transmission of any information which would serve to identify the geographical location of the station is prohibited.

(d) A station operating in the CONELRAD system may transmit in accordance with its CONELRAD authorization during a radio alert beyond its normal hours and nothing in its regular license or other instrument of authorization shall prevent such operation in the CONELRAD system.

(e) Prior to commencing routine operation or originating any emissions under program test, equipment test, experimental or other authorization or for any other purpose, licensees or permittees shall first ascertain whether a state of radio alert exists and if so shall refrain from operation or operate in the CONELRAD system whichever is appropriate.

ALL CLEARS

§ 3.940 *Notification of a radio all clear.* The radio all clear notification will be transmitted through the same channels as the radio alert. Stations operating in the CONELRAD system will transmit the radio all clear message on the CONELRAD system frequency. Key stations will, as soon as possible thereafter, follow the prescribed procedure and broadcast the radio all clear message on their regular operating frequency. All stations, including FM and TV stations, upon resuming regular operation will follow the prescribed procedure and immediately broadcast the radio all clear message.

SYSTEM OPERATION

§ 3.950 *Procedure.* Each broadcast station permitted to operate during a radio alert must observe operating procedures for the mode of operation to which it is assigned, as set forth in detail in the CONELRAD Manual For Broadcast Stations.

§ 3.951 *Participation.* (a) Any standard broadcast station desiring to participate in a CONELRAD operating system should contact the Zone Supervisor, indicate the station's willingness to make such technical modification of the station equipment as might be necessary to permit operation on a system frequency and with such power limitations as might be necessary. The Commission will then issue a CONELRAD authorization to the station specifying the frequency to be used by the station. Stations which have indicated a willingness to participate in CONELRAD on a voluntary basis prior to the effective date of this rule need not take any further steps.

(b) At such time as technical consideration may warrant the inclusion of FM and TV broadcast stations within the operating CONELRAD system, appropriate announcement will be made by the Commission and application for participation made as above set forth.

(c) Any station participating in CONELRAD system operations may withdraw from the system by giving thirty days' notice to the FCC Zone Supervisor in writing and by submitting its CONELRAD authorization for cancellation.

(d) Broadcast stations are specifically exempt from complying with § 3.57 while operating under their CONELRAD authorization.

TESTS

§ 3.960 *Alerting system.* Tests of the alerting system will be conducted periodically.

§ 3.961 *Sequential control lines.* Sequential control and program lines must be tested at frequent intervals and results reported in the prescribed manner to the FCC Zone Supervisor.

§ 3.962 *Entire system.* Tests of the entire system will be conducted from time to time. During such tests, all stations which are authorized to operate in the CONELRAD system will operate in accordance with terms of the CONELRAD authorization. Other stations will not be required to go off the air during such tests but will be subject to any interference which might result from the CONELRAD operation. Such tests will be scheduled to take place during the experimental period. Industry representatives will be consulted prior to conducting CONELRAD system tests to obtain views relative to the action and to coordinate the activity.

§ 3.963 *Equipment.* The licensee of each station authorized to participate in CONELRAD system operation shall make such tests of his equipment as may be necessary to assure it is ready for instant use.

§ 3.964 *Log entries.* Appropriate entries of all tests shall be made in the station log.

DRILLS

§ 3.970 *Notification of a drill.* At some time it may be necessary to conduct an Air Defense Drill under conditions of simulated attack. Industry representatives will be consulted prior to conducting CONELRAD drills to obtain views relative to the action and to coordinate the activity. Such drills will only be called when the Department of Defense, the Office of Defense Mobilization, and the Federal Communications Commission concurrently agree that the drill is necessary. All stations will be notified well in advance of such a drill.

§ 3.971 *Operation during a drill.* During a drill, all standard, FM and TV broadcast stations will take the same steps as such stations would be required to take in the event of an actual radio alert under this part of the rules and current operating instructions as set forth in the CONELRAD Manual For Broadcast Stations, except for special drill messages.

[F. R. Doc. 53-3432; Filed, Apr. 17, 1953; 8:52 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 873, Amdt. 5]

PART 95—CAR SERVICE

CONTROL OF TANK CARS; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of April, A. D. 1953.

Upon further consideration of the provisions of Service Order No. 873 (16 F. R. 1131, 7359; 17 F. R. 482, 6558; 18 F. R. 473), and good cause appearing therefor: It is ordered, that:

Section 95.873 *Control of tank cars; appointment of agent,* of Service Order No. 873 be, and it is hereby, amended by substituting the following paragraph (e) hereof for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1953, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., April 15, 1953, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-3391; Filed, Apr. 17, 1953; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF CANNED LIMA BEANS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of United States Standards for Grades of Canned Lima Beans (16 F R. 3607) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952) This revision, if made effective, will be the fifth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.169 *Canned lima beans*—(a) *Identity.* "Canned lima beans" means the canned product properly prepared from the clean, sound, succulent seed of the lima bean plant, as defined in the definitions and standard of identity for canned vegetables (21 CFR Cum. Supp. 52.990, as amended 17 F R. 8176) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(b) *Types of canned lima beans.* (1) "Thin-seeded," such as Henderson Bush and Thorogreen varieties;

(2) "Thick-seeded Baby Potato," such as Baby Potato, Baby Fordhook, and Evergreen varieties;

(3) "Thick-seeded," such as Fordhook variety.

(c) *Grades of canned lima beans.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned lima beans that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a good color; that are practically free from defects; that possess a practically clear liquor; that possess a good character; and that for those factors which are scored in accordance with the scoring system outlined in this section the total score is not less than 90 points: *Provided,* That the canned lima beans may possess a reasonably good character and a fairly clear liquor if the total score is not less than 90 points.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of canned lima beans that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a reasonably good color; that are reasonably free from defects; that possess a reasonably clear liquor; that possess a reasonably good character; and that for those factors which are scored in accordance with the scoring system outlined in this section the total score is not less than 80 points: *Provided,* That the canned lima beans may possess a fairly clear liquor if the total score is not less than 80 points.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of canned lima beans that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a fairly good color; that are fairly free from defects; that possess a fairly clear liquor; that possess a fairly good character; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "Substandard" is the quality of canned lima beans that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(d) *Recommended fill of container* The recommended fill of container for canned lima beans is not incorporated in the grades of the finished product, since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned lima beans be filled as full as practicable with beans without impairment of quality.

(e) *Recommended minimum drained weight.* The minimum drained weight recommendations in Table No. I of this section are not incorporated in the grades of the finished product, since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned lima beans is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter so as to distribute the product evenly, inclining the sieve to facilitate drainage and allow to drain for two minutes. The drained weight is the weight of the sieve and the lima beans less the weight of the dry sieve. A sieve 8 inches in diameter is used for the No. 2 size can (307 x 409) and smaller sizes, and a sieve 12 inches in diameter is used for containers larger than the No. 2 size can.

TABLE No. I—RECOMMENDED MINIMUM DRAINED WEIGHTS (IN OUNCES) OF LIMA BEANS

Container designation	Container size			Drained weight
	Overall diameter (inches)	Overall height (inches)	Overflow capacity (fluid ounces)	
8 Z tall	2 1/16	3 1/16		5 1/2
8 Z jar			8.2	5 1/2
No. 1 (picnic)	2 1/16	4		7
No. 1 tall	3 1/16	4 1/16		10 3/4
No. 300	3	4 2/16		9 3/4
No. 303	3 3/16	4 2/16		11
No. 303 jar			17.0	11
No. 2	3 7/16	4 2/16		13 1/2
No. 10	6 2/16	7		72

(f) *Sizes of lima beans in canned lima beans.* The size of lima beans is not a factor of quality of canned lima beans for the purpose of these grades. The size of a lima bean is determined by measuring the greatest width through the center at right angles to the longitudinal axis of the bean. The designations of the various sizes of lima beans packed as canned beans are shown in Table No. II of this section.

TABLE No. II—SIZES OF LIMA BEANS IN CANNED LIMA BEANS

Word designation:	*Size of lima beans (inches in width)*
Midget	2 5/64 inch in width and smaller.
Tiny	Over 2 5/64 inch to and including 3 0/64 inch in width.
Small	Over 3 0/64 inch to and including 3 1/64 inch in width.
Medium	Over 3 1/64 inch to and including 3 3/64 inch in width.
Large	Larger than 3 3/64 inch in width.

(g) *Ascertaining the grade.* (1) The grade of canned lima beans is ascertained by considering, in conjunction with the other requirements of the respective grade, the respective ratings for the factors of color, clearness of liquor, absence of defects, and character.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factor:	*Points*
(i) Color	35
(ii) Clearness of liquor	10
(iii) Absence of defects	25
(iv) Character	30
Total score	100

(3) "Normal flavor and normal odor" means that the product is free from objectionable flavors and objectionable odors of any kind.

(h) *Ascertaining the rating of the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "8 to 10 points" means 8, 9, or 10 points)

(1) *Color* (i) "Green" with respect to thin-seeded and thick-seeded Baby Potato types means that the color of the individual lima bean possesses as much or more green color than Plate 11, F-2, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(ii) "Green" with respect to thick-seeded types means that the color of the individual lima bean possesses as much or more green color than Plate 12, L-2, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(iii) "White" with respect to thin-seeded and thick-seeded Baby Potato types means that the individual lima bean is lighter in color than Plate 11, C-2, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(iv) "White" with respect to thick-seeded type means that the individual

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] Second Edition.

lima bean is lighter in color than Plate 11, L–3, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(v) Canned lima beans that possess a good color may be given a score of 32 to 35 points. "Good color" means that the lima beans, regardless of type, possess a bright typical color and meet the following additional color requirements for the respective types:

(*a*) *Thin-seeded types; Thick-seeded Baby Potato type.* (*1*) Not less than 90 percent, by count, of the lima beans are "green," defined as aforesaid, and not more than 10 percent, by count, may be lighter in color: *Provided,* That not more than 1 percent, by count, of all the lima beans are white; or

(*2*) Not less than 97 percent, by count, of the lima beans are "green," defined as aforesaid, and not more than 3 percent, by count, may be lighter in color or white lima beans.

(*b*) *Thick-seeded type.* Not less than 90 percent, by count, of the lima beans are "green," defined as aforesaid, and not more than 10 percent, by count, may be lighter in color: *Provided,* That not more than 3 percent, by count, of all the lima beans are white.

(vi) If the canned lima beans possess a reasonably good color, a score of 29 to 31 points may be given. Canned lima beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule) "Reasonably good color" means that the lima beans, regardless of type, possess a typical color and meet the following additional requirements for the respective types:

(*a*) *Thin-seeded type; Thick-seeded Baby Potato type.* (*1*) Not less than 50 percent, by count, of the lima beans are "green," defined as aforesaid, and not more than 50 percent, by count, may be lighter in color: *Provided,* That not more than 25 percent, by count, of all the lima beans are white.

(*b*) *Thick-seeded type.* (*1*) Not less than 50 percent, by count, of the lima beans are "green," defined as aforesaid, and not more than 50 percent, by count, may be lighter in color: *Provided,* That not more than 25 percent, by count, of all the lima beans are white.

(vii) Canned lima beans that possess a fairly good color may be given a score of 26 to 28 points. Canned lima beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly good color" means that the lima beans, regardless of type, possess a typical color and meet the following additional requirements for the respective types:

(*a*) *Thin-seeded type; Thick-seeded Baby Potato type.* (*1*) less than 50 percent, by count, of the lima beans are "green," defined as aforesaid, and all of the lima beans may be white.

(*b*) *Thick-seeded type.* (*1*) Less than 50 percent, by count, of the lima beans are "green," defined as aforesaid, and all of the lima beans may be white.

(viii) Canned lima beans that are definitely off color or fail to meet the requirements of subdivision (vii) of this subparagraph may be given a score of 0 to 25 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

(2) *Clearness of liquor.* (i) Canned lima beans that possess a practically clear liquor may be given a score of 9 or 10 points. "Practically clear liquor" means that the liquor may be slightly cloudy and that not more than a small amount of sediment is present.

(ii) If the canned lima beans possess a reasonably clear liquor, a score of 7 or 8 points may be given. "Reasonably clear liquor" means that the liquor may be somewhat cloudy and may contain a considerable amount of sediment.

(iii) Canned lima beans that possess a fairly clear liquor may be given a score of 5 or 6 points. "Fairly clear liquor" means that the liquor may be dull in color, and may be rather viscous, cream-like, or starchy.

(iv) Canned lima beans that possess a liquor that is definitely off color for any reason or contain an excessive amount of sediment may be given a score of 0 to 4 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, from loose skins, loose cotyledons, broken or mashed beans, and from beans that are blemished or seriously blemished.

(*a*) "Extraneous vegetable matter" means pods or pieces of pods, leaves, stems, and other similar vegetable matter.

(*b*) "Broken or mashed" means a bean from which a portion of a cotyledon has become detached or is mashed to the extent that the appearance of the bean is seriously affected, or pieces of cotyledon aggregating the equivalent of an average size whole cotyledon.

(*c*) "Loose skin" means a whole skin or portions of skin aggregating the equivalent of an average size whole skin which has become separated from the cotyledons.

(*d*) "Loose cotyledon" means a single cotyledon which has become separated from the skin.

(*e*) "Light discoloration" means light discoloration of the hilum or other light discoloration which slightly affects but does not materially affect the appearance of a bean or any portion of a bean.

(*f*) "Blemished" means blemished by discoloration, pathological injury, insect injury, or blemished by other means, other than by light discoloration which is not considered blemished, to such an extent that the aggregate blemished area materially affects the appearance or eating quality of a bean or any detached piece of a bean.

(*g*) "Seriously blemished" means blemished to such an extent that the aggregate blemished area seriously affects the appearance or eating quality of a bean or any detached piece of a bean.

(ii) Canned lima beans that are practically free from defects may be given a score of 22 to 25 points. "Practically free from defects" means that for each 10 ounces drained weight of beans there may be present one piece, or pieces, of extraneous vegetable matter having an aggregate area of not more than 9/16 square inch (½" x 9/32") on one surface of the piece, or pieces, and there may be present not more than 5 percent, by count, of loose skins; not more than 3 percent, by count, of broken or mashed beans and loose cotyledons; not more than 2 percent, by count, of blemished and seriously blemished beans: *Provided,* That not more than ½ of 1 percent, by count, of all the beans may be seriously blemished, and that there may be collectively present beans affected by light discoloration which do not more than slightly affect the appearance of the product.

(iii) If the canned lima beans are reasonably free from defects a score of 20 or 21 points may be given. Canned lima beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule) "Reasonably free from defects" means that for each 10 ounces drained weight of beans there may be present one piece, or pieces of extraneous vegetable matter having an aggregate area of more than 9/16 square inch but not more than 3/8 square inch (½" x 3/4") on one surface of the piece, or pieces; and there may be present not more than 10 percent, by count, of loose skins; not more than 5 percent, by count, of mashed and broken beans and loose cotyledons; not more than 3 percent, by count, of blemished and seriously blemished beans: *Provided,* That not more than 1 percent, by count, of all the beans may be seriously blemished, and that there may be collectively present beans affected by light discoloration which do not materially affect the appearance of the product.

(iv) Canned lima beans that are fairly free from defects may be given a score of 18 or 19 points. Canned lima beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly free from defects" means that for each 10 ounces drained weight of beans there may be present one piece, or pieces, of extraneous vegetable matter having an aggregate area of more than 3/8 square inch but not more than 3/4 square inch (½" x 1½") on one surface of the piece, or pieces; and there may be present not more than 15 percent, by count, of loose skins; not more than 10 percent, by count, of mashed and broken beans and loose cotyledons; not more than 4 percent, by count, of blemished and seriously blemished beans: *Provided,* That not more than 2 percent, by count,

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of all the beans may be seriously blemished, and that there may be collectively present beans affected by light discoloration which do not seriously affect the appearance of the product.

(v) Canned lima beans that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 17 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

(4) *Character* (i) The factor of character refers to the tenderness and maturity of the product.

(ii) Canned lima beans that possess a good character may be given a score of 27 to 30 points. "Good character" means that the lima beans are young and tender.

(iii) If the canned lima beans possess a reasonably good character, a score of 24 to 26 points may be given. "Reasonably good character" means that the lima beans are reasonably young and reasonably tender.

(iv) Canned lima beans that possess a fairly good character may be given a score of 21 to 23 points. Canned lima beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly good character" means that the lima beans may be nearly mature and possess a fairly tender texture, may be firm and mealy but not hard, or may be soft but not mushy.

(v) Canned lima beans that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

(i) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned lima beans the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(iv) The average score of all containers for any factor subject to a limiting rule must be within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(2) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(j) *Score sheet for canned lima beans.*

Size and kind of container			
Container marks or identification			
Label			
Net weight (ounces)			
Vacuum (inches)			
Drained weight (ounces)			
Type (Fordhook variety or other)			
Size			
Color (Percent green			
Color (Percent white			

Factors	Score points		
I. Color	35	(A)	32–35
		(B)	[1] 29–31
		(C)	[1] 26–28
		(SStd.)	[1] 0–25
II. Clearance of liquor	10	(A)	9–10
		(B)	7– 8
		(C)	5– 6
		(SStd.)	[1] 0– 4
III. Absence of defects	25	(A)	22–25
		(B)	[1] 20–21
		(C)	[1] 18–19
		(SStd.)	[1] 0–17
IV. Character	30	(A)	27–30
		(B)	24–26
		(C)	[1] 21–23
		(SStd.)	[1] 0–20
Total score	100		

Grade			
Normal flavor and odor			

[1] Indicates limiting rule.

Issued at Washington, D. C., this 15th day of April 1953.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator Production and Marketing Administration.

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[7 CFR Part 68]

U. S. STANDARDS FOR DRY PEAS, SPLIT PEAS, AND LENTILS

NOTICE OF PROPOSED REVISION AND HEARING

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the items for market inspection of farm products and marketing farm products recurring in the annual appropriation acts for the Department of Agriculture and currently found in the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., 66 Stat. 348; 7 U. S. C. Sup. 414) the United States Department of Agriculture is considering the revision, essentially as herein proposed, of the United States Standards for Dry Peas, Split Peas, and Lentils. The aforesaid standards for dry peas have been in effect since July 20, 1937 for split peas since August 10, 1937 and for lentils since November 13, 1942.

The revisions, as proposed, will clarify definitions of grading factors and their basis of determination and provide for refinements which are designed to make the standards reflect more accurately the quality of these commodities as produced and marketed.

It is proposed to issue the revised standards as Subparts F, G, and H, respectively, of Part 68, Title 7, of the Code of Federal Regulations to read essentially as follows with such changes as may be suggested by interested parties and considered desirable by the Department.

SUBPART F—UNITED STATES STANDARDS FOR DRY PEAS [1]

§ 68.401 *Terms defined.* The following definitions shall apply for the purposes of the United States standards for dry peas:

(a) *Peas.* Peas shall be dry, threshed, field or garden peas.

(b) *Dockage-free peas.* Dockage-free peas shall be peas from which the dockage has been removed.

(c) *Thresher-run peas.* Thresher-run peas shall be peas from which the dockage has not been removed.

(d) *Classes.* [2] Peas shall be divided into classes according to varietal type (for example, Alaska, First and Best, White Canada, Colorado White, Austrian Winter, Perfection, and Surprise) each of which may contain not more than 2.0 percent of peas of contrasting classes and not more than 15.0 percent of peas of other classes that blend. Any mixture of two or more varietal types of peas with more than 2.0 percent of peas of contrasting classes or more than 15.0 percent of other classes that blend shall be classed as Mixed peas.

(e) *Grades.* Grades shall be the numerical grades, Sample grade, and Special grades provided for in § 68.403.

(f) *Defective peas.* Defective peas shall be weevil-damaged peas, damaged peas, splits, contrasting classes, bleached peas, shriveled peas, and cracked seed coats.

(g) *Weevil-damaged peas.* Weevil-damaged peas shall be peas and splits which are distinctly damaged by pea weevils or other insects.

(h) *Damaged peas.* Damaged peas shall be peas and splits which are damaged by frost, weather, disease, or other causes, but shall not include weevil-damaged peas.

(i) *Splits.* Splits shall be pieces of peas which are less than three-fourths of a whole pea and peas the halves of which are loosely held together.

(j) *Contrasting classes.* Contrasting classes shall be peas which are of a contrasting color, size, or shape to the peas predominating in the sample.

(k) *Bleached peas.* Bleached peas shall be peas which are distinctly bleached in contrast to the natural color of the class of peas predominating in the sample, but shall not be applicable to wrinkled peas.

(l) *Shriveled peas.* Shriveled peas shall be peas which are distinctly shriveled in contrast to the natural shape and appearance of the class of peas predominating in the sample.

[1] The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act. (21 U. S. C. 301 et seq.)

[2] The use of a variety name in the designation of the class of peas does not imply any guarantee of varietal purity.

(m) *Cracked seed coats.* Cracked seed coats shall be peas with visibly cracked seed coats or with all or a part of the seed coat removed.

(n) *Classes that blend.* Classes that blend shall be peas which are similar in color, size, and shape to the peas predominating in the sample.

(o) *Wrinkled peas.* Wrinkled peas shall be peas of the wrinkled varieties.

(p) *Good color* Good color shall mean that the peas in mass are practically free from discoloration and have the natural color and appearance characteristic of the class of peas that predominate in the sample.

(q) *Poor color* Poor color shall mean that the peas in mass are distinctly off color due to age or any other cause.

(r) *Dockage.* Dockage shall apply only to thresher-run peas and shall be small underdeveloped peas and pieces of peas and all matter other than peas which can be removed readily by the use of appropriate sieves and cleaning devices which result in the smallest loss of marketable peas.

(s) *Foreign material*—(1) *Dockage-free peas.* Foreign material in dockage-free peas shall be all matter other than peas.

(2) *Thresher-run peas.* Foreign material in thresher-run peas shall be all matter other than peas which can not be removed readily from the peas in the proper determination of dockage.

(t) *16/64 sieve.* A 16/64 sieve shall be a metal sieve 0.032 inch thick perforated with round holes 0.25 (16/64) inch in diameter.

(u) *15/64 sieve.* A 15/64 sieve shall be a metal sieve 0.032 inch thick perforated with round holes 0.2344 (15/64) inch in diameter.

(v) *11/64 by 3/4 sieve.* A 11/64 by 3/4 sieve shall be a metal sieve 0.032 inch thick with slotted perforations measuring 0.1719 by 0.75 (11/64 by 3/4) inch.

(w) *10/64 by 3/4 sieve.* A 10/64 by 3/4 sieve shall be a metal sieve 0.032 inch thick with slotted perforations measuring 0.1562 by 0.75 (10/64 by 3/4) inch.

§ 68.402 *Principles governing application of standards.* The following principles shall apply in the determination of the classes and grades of dockage-free peas and the factor determinations of thresher-run peas:

(a) *Basis of determinations*—(1) *Dockage-free peas.* All determinations shall be made upon the basis of the dockage-free peas as a whole, except that color shall be determined after the removal of the defective peas and foreign material.

(2) *Thresher-run peas.* The determination of dockage shall be made upon the basis of the thresher-run peas as a whole. All other determinations shall be made upon the basis of the peas after the removal of dockage, except that color shall be determined after the removal of defective peas and foreign material.

(b) *Percentages.* All percentages shall be determined on the basis of weight. The percentages of dockage and moisture shall be expressed in terms of whole and half percents, and a fraction of a half percent shall be disregarded. All other percentages shall be expressed in terms of whole and tenths percents.

(c) *Moisture.* Moisture shall be ascertained by the air oven and the method of use thereof prescribed by the United States Department of Agriculture or ascertained by the use of any method which gives equivalent results.

§ 68.403 *Grades, grade requirements and designations, and factor determinations and designations.* The following grades, grade requirements and designations, and factor determinations and designations are applicable under these standards:

(a) *Grades and grade requirements for dockage-free peas (see also paragraph (c) of this section).*

Grade	Maximum limits of—								
	Bleached peas and contrasting classes		Classes that blend [4]	Shriveled peas	Cracked seed coats	Splits	Damaged peas	Weevil-damaged peas	Foreign material
	Total	Contrasting classes [4]							
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U. S. No. 1 [1] [2]	1.5	0.5	5.0	2.0	3.0	1.0	1.0	0.5	0.1
U. S. No. 2 [1]	3.0	1.0	10.0	4.0	6.0	1.5	1.5	1.0	.2
U. S. No. 3 [1] [3]	5.0	2.0	15.0	8.0	10.0	2.0	2.0	1.5	.5
U. S. Sample Grade	Peas which do not meet the requirements of any of the numerical grades; or which contain more than 16 percent of moisture; or which have any commercially objectionable odor; or which are heating; or which contain live or dead weevils or other insects, insect webbing, or insect refuse; or which are otherwise of distinctly low quality.								

[1] Size requirements: The minimum size requirements for each of the numerical grades shall be that not more than 3 percent of the peas will pass through a sieve with slotted perforations of the dimensions generally used in the determinations of dockage on thresher-run peas of the respective classes.

[2] Peas in grade U. S. No. 1 shall be of good color.

[3] Peas which are of poor color shall not be graded higher than U. S. No. 3.

[4] These limits do not apply to the class mixed peas.

(b) *Grade designations.* The grade designation for all classes of peas shall include, in the order named, the letters "U. S." the number of the grade or the words "Sample grade," as the case may be; the name of each applicable special grade; and the name of the class. In the case of the class Mixed peas the name and approximate percentage of each class of peas contained in the mixture shall be shown following the words "Mixed peas."

(c) *Special grades, special grade requirements and special grade designations for dockage-free peas*—(1) *Large peas*—(i) *Requirements.* Large peas shall be peas of the classes Alaska, First and Best, and White Canada, of which not more than 3 percent of the peas will pass readily through the following sieves for the respective classes:

Alaska ..... 16/64 sieve.
First and Best ..... 16/64 sieve.
White Canada ..... 15/64 sieve.

(ii) *Grade designation.* Large peas shall be graded and designated according to the grade requirements of the standards otherwise applicable to such dry peas, and there shall be added to and made a part of the grade designation the word "Large."

(2) *Small peas*—(i) *Requirements.* Small peas shall be peas of the classes Alaska, First and Best, and White Canada, of which not more than 3 percent of the peas will remain on the sieve perscribed for determining the minimum size for large peas and not more than 3 percent will pass readily through the following sieves for the respective classes:

Alaska ..... 11/64 by 3/4 sieve.
First and Best ..... 11/64 by 3/4 sieve.
White Canada ..... 10/64 by 3/4 sieve.

(ii) *Grade designation.* Small peas shall be graded and designated according to the grade requirements of the standards otherwise applicable to such dry peas, and there shall be added to and made a part of the grade designation the word "Small."

(d) *Factor determinations and designations for thresher-run peas*—(1) *Factor determinations.* Thresher-run peas shall be inspected without reference to grade. The factors to be determined shall be the class, dockage, defective peas, foreign material, and color description. Defective peas which are defective for more than one reason shall be included within only one specific type of defective peas and shall be determined in the following order: Weevil-damaged peas, damaged peas, splits, contrasting classes, bleached peas, shriveled peas, and cracked seed coats.

(2) *Factor designation.* The factor designation for all classes of thresher-run peas shall include the name of the class; the percentage of dockage and the type of sieve used in making the determination; the percentage each of weevil-damaged peas, damaged peas, splits, contrasting classes, bleached peas, shriveled peas, cracked seed coats, foreign material, and the total thereof; and the color description.

SUBPART G—UNITED STATES STANDARDS FOR SPLIT PEAS [1]

§ 68.501 *Terms defined.* The following definitions shall apply for the purposes of the United States standards for split peas:

(a) *Split peas.* Split peas shall be dry, threshed, field or garden peas which have been split into halves or smaller pieces.

[1] The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 301 et seq.).

(b) *Classes.* Split peas shall be divided into the following classes:

(1) *Green split peas.* Green split peas shall be split peas which are distinctly green in color.

(2) *Yellow split peas.* Yellow split peas shall be split peas which are distinctly yellow in color.

(c) *Grades.* Grades shall be the numerical grades, Sample grade, and special grades provided for in § 68.503.

(d) *Defective split peas.* Defective split peas shall be weevil-damaged split peas, damaged split peas, white caps, whole peas, bleached split peas, and split peas of another class.

(e) *Weevil-damaged split peas.* Weevil-damaged split peas shall be split peas and whole peas which are distinctly damaged by pea weevils or other insects.

(f) *Damaged split peas.* Damaged split peas shall be split peas and whole peas which are damaged by frost, weather, disease, or other causes, but shall not include weevil-damaged split peas.

(g) *White caps.* White caps shall be split peas from which the seed coats have not been removed

(h) *Whole peas.* Whole peas shall be dry field or garden peas which are not split.

(i) *Bleached split peas.* Bleached split peas shall be split peas which are distinctly bleached in contrast to the natural green or yellow color.

(j) *Foreign material.* Foreign material shall be all matter which will pass readily through a 2½/64-sieve and all matter other than split peas and whole peas which remains on such sieve.

(k) *Good color* Good color shall mean that the split peas in mass are practically free from discoloration and have the natural color and appearance characteristic of the class of split peas that predominate in the sample.

(l) *Poor color* Poor color shall mean that the split peas in mass are distinctly off color due to age or any other cause.

(m) *12/64 sieve.* A 12/64 sieve shall be a metal sieve 0.032 inch thick with perforated round holes 0.1875 (12/64) inch in diameter.

(n) *10/64 sieve.* A 10/64 sieve shall be a metal sieve 0.032 inch thick perforated with round holes 0.1562 (10/64) inch in diameter.

(o) *8/64 sieve.* An 8/64 sieve shall be a metal sieve 0.032 inch thick perforated with round holes 0.125 (8/64) inch in diameter.

(p) *6/64 sieve.* A 6/64 sieve shall be a metal sieve 0.032 inch thick perforated with round holes 0.0937 (6/64) inch in diameter.

(q) *2½/64 sieve.* A 2½/64 sieve shall be a metal sieve 0.032 inch thick perforated with round holes 0.0391 (2½/64) inch in diameter.

§ 68.502 *Principles governing application of standards.* The following principles shall apply in the determination of the classes and grades of split peas:

(a) *Basis of determinations.* All determinations shall be made upon the basis of the split peas as a whole.

(b) *Percentages.* All percentages shall be determined on the basis of weight. The percentage of moisture shall be expressed in terms of whole and half percents, and a fraction of a half percent shall be disregarded. All other percentages shall be expressed in terms of whole and tenths percents.

(c) *Moisture.* Moisture shall be ascertained by the air oven and the method of use thereof prescribed by the United States Department of Agriculture or ascertained by any method which gives equivalent results.

§ 68.503 *Grades, grade requirements, and grade designations.* The following grades, grade requirements, and grade designations are applicable under these standards:

(a) *Grades and grade requirements for split peas (see also paragraph (c) of this section)*

Grade	Maximum quantity passing through			Maximum limits of—						
				Bleached split peas and split peas of another class		White caps	Whole peas	Damaged split peas	Weevil-damaged split peas	Foreign material
	10/64 sieve	8/64 sieve	6/64 sieve	Total	Split peas of another class					
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U. S. No. 1 [1]	3.0	None	None	1.5	0.5	1.0	0.5	1.0	0.5	0.1
U. S. No. 2	15.0	3.0	None	3.0	1.0	2.0	1.0	1.5	1.0	.2
U. S. No. 3 [2]	25.0	3.0	None	5.0	2.0	3.0	2.0	2.0	1.5	.5
U. S. Sample Grade	Split peas which do not meet the requirements of any of the numerical grades; or which have any commercially objectionable odor; or which contain more than 15 percent moisture; or which are heating; or which contain live or dead weevils or other insects, insect webbing, or insect refuse; or which are otherwise of distinctly low quality.									

[1] Split peas in grade U. S. No. 1 shall be of good color.
[2] Peas which are of poor color shall not be graded higher than U. S. No. 3.

(b) *Grade designations.* The grade designation of split peas shall include, in the order named, the letters "U. S." the number of the grade or the words "Sample grade" as the case may be; the name of the class; and the name of each applicable special grade.

(c) *Special grades, special grade requirements, and special grade designations for split peas*—(1) *Austrian Winter split peas*—(i) *Requirements.* Austrian Winter split peas shall be split peas made from peas of the Austrian Winter variety.

(ii) *Grade designation.* Austrian Winter split peas shall be graded and designated according to the grade requirements of the standards otherwise applicable to such split peas, and there shall be added to and made a part of the grade designation the words "Austrian Winter."

(2) *Split pea chips.*—(i) *Requirements.* Split pea chips shall be split peas which will pass readily through a 12/64 sieve. The size requirements for the respective numerical grades shall be as follows:

U. S. No. 1—not more than 3.0 percent shall pass readily through a 6/64 sieve;

U. S. No. 2—not more than 6.0 percent shall pass readily through a 6/64 sieve;

U. S. No. 3—not more than 10.0 percent shall pass readily through a 6/64 sieve.

(ii) *Grade designation.* Split pea chips shall be graded and designated according to the grade requirements of the standards otherwise applicable to such split peas, except for size, and there shall be added to and made a part of the grade designation the word "Chips."

SUBPART H—UNITED STATES STANDARDS FOR LENTILS [1]

§ 68.601 *Terms defined.* The following definitions shall apply for the purposes of the United States standards for lentils:

(a) *Lentils.* Lentils shall be dry, threshed seeds of the lentil plant.

(b) *Dockage-free lentils.* Dockage-free lentils shall be lentils from which the dockage has been removed.

(c) *Thresher-run lentils.* Thresher-run lentils shall be lentils from which the dockage has not been removed.

(d) *Classes.* Lentils shall be divided into the following classes, each of which except mixed lentils may contain not more than 2.0 percent of lentils of contrasting classes:

(1) *Lentils.* Lentils shall be all lentils of the Chilean type.

(2) *Persian lentils.* Persian lentils shall be all lentils of the Persian type.

(3) *Mixed lentils.* Mixed lentils shall be any mixture of lentils of the classes lentils or Persian lentils.

(e) *Grades.* Grades shall be the numerical grades, Sample grade, and special grades provided for in § 68.603.

(f) *Defective lentils.* Defective lentils shall be weevil-damaged lentils, damaged lentils, and splits.

(g) *Weevil-damaged lentils.* Weevil-damaged lentils shall be lentils and pieces of lentils which are damaged by weevils or other insects.

(h) *Damaged lentils.* Damaged lentils shall be lentils and pieces of lentils which are damaged by frost, weather, disease, or other causes, but shall not include weevil-damaged lentils.

[1] The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act. (21 U. S. C. 301 et seq.).

(i) *Splits.* Splits shall be pieces of lentils which are less than three-fourths of a whole lentil, and lentils the halves of which are loosely held together, but shall not include weevil-damaged lentils and damaged lentils.

(j) *Dockage.* Dockage shall apply only to thresher-run lentils and shall be all small underdeveloped lentils and splits which can be removed readily by the use of appropriate sieves and cleaning devices which result in the smallest loss of marketable lentils.

(k) *Foreign material*—(1) *Dockage-free lentils.* Foreign material in dockage-free lentils shall be all matter other than lentils.

(2) *Thresher-run lentils.* Foreign material in thresher-run lentils shall be all matter other than lentils which can not be removed readily from the lentils in the proper determination of dockage.

(l) *Stones.* Stones shall be foreign material which consists of rocks, stones, pebbles, shale, other concreted earthy or mineral matter, and other substances of similar hardness that do not disintegrate readily in water.

(m) *15/64 sieve.* A 15/64 sieve shall be a metal sieve 0.032 inch thick perforated with round holes 0.2344 ($^{15}/_{64}$) inch in diameter.

(n) *12/64 sieve.* A 12/64 sieve shall be a metal sieve 0.032 inch thick perforated with round holes 0.1875 ($^{12}/_{64}$) inch in diameter.

(o) *9/64 sieve.* A 9/64 sieve shall be a metal sieve 0.032 inch thick perforated with round holes 0.1406 ($^{9}/_{64}$) inch in diameter.

(p) *Good color* Good color shall mean that the lentils in mass are practically free from discoloration and have the natural color and appearance characteristic of the class of lentils that predominate in the sample.

§ 68.602 *Principles governing application of standards.* The following principles shall apply in the determination of the classes and grades for dockage-free lentils and the factor determinations of thresher-run lentils.

(a) *Basis of determinations*—(1) *Dockage-free lentils.* All determinations shall be made on the basis of the sample as a whole.

(2) *Thresher-run lentils.* The determination of dockage shall be made on the basis of the sample as a whole. All other determinations shall be made on the basis of the lentils after the removal of dockage, except that color shall be determined after the removal of dockage, defective lentils, and foreign material.

(b) *Percentages.* All percentages shall be determined on the basis of weight. The percentages of dockage and moisture shall be expressed in terms of whole and half percents, and a fraction of a half percent shall be disregarded. All other percentages shall be expressed in terms of whole and tenths percents.

(c) *Moisture.* Moisture shall be ascertained by the air oven and the method of use thereof prescribed by the United States Department of Agriculture or ascertained by the use of any method which gives equivalent results.

§ 68.603 *Grades, grade requirements and designations, and factor determinations and designations.* The following grades, grade requirements and designations, and factor determinations and designations are applicable under these standards:

(a) *Grades and grade requirements for lentils (see also paragraph (c) of this section)*

Grade	Maximum limits of—			
	Defective lentils		Foreign material	
	Total	Weevil-damaged lentils	Total	Stones
	Percent	*Percent*	*Percent*	*Percent*
U. S. No. 1 [1]	1.8	0.5	0.2	0.1
U. S. No. 2	3.5	1.0	.5	.2
U. S. Sample Grade.	Lentils which do not meet the requirements of either of the numerical grades; or which are heating; or which contain live or dead weevils or other insects, insect webbing, or insect refuse; or which are materially weathered; or which have any commercially objectionable odor; or which contain more than 15 percent of moisture; or which are otherwise of distinctly low quality.			

[1] The lentils in U. S. Grade No. 1 shall be of good color

(b) *Grade designations.* The grade designation for all classes of lentils shall include, in the order named, the letters "U. S." the number of the grade or the words "Sample grade," as the case may be; the name of any applicable special grade; and the name of the class. In the case of the class Mixed lentils, the name and approximate percentage of each class in the mixture shall be shown following the words "Mixed lentils."

(c) *Special grades, special grade requirements, and special grade designations for lentils*—(1) *Large lentils*—(i) *Requirements.* Large lentils shall be lentils, except mixed lentils, of which not more than 3 percent will pass readily through a 15/64 sieve.

(ii) *Grade designation.* Large lentils shall be graded and designated according to the grade requirements of the standards otherwise applicable to such lentils, and there shall be added to and made a part of the grade designation preceding the name of the class the word "Large."

(2) *Small lentils*—(i) *Requirements.* Small lentils shall be lentils, except mixed lentils, all of which will pass readily through a 15/64 sieve, not less than 80 percent of which will pass readily through a 12/64 sieve, and not more than 3 percent of which will pass readily through a 9/64 sieve.

(ii) *Grade designation.* Small lentils shall be graded and designated according to the grade requirements of the standards otherwise applicable to such lentils, and there shall be added to and made a part of the grade designation preceding the name of the class the word "Small."

(d) *Factor determinations and designations for thresher-run lentils*—(1) *Factor determination.* Thresher-run lentils shall be inspected without reference to grade, and the following factors shall be determined: The class, dockage, weevil-damaged lentils, damaged lentils, splits, and color description.

(2) *Factor designation.* The factor designation for all classes of thresher-run lentils shall include the name of the class; the percentage of dockage and the type of sieve used in making the determination; the percentage each of weevil-damaged lentils, damaged lentils, splits, and foreign material, and the total thereof; and the color description.

An informal hearing will be held in Spokane, Washington, at which interested persons may submit their views and opinions orally or in writing with respect to the desirability of promulgating the proposed revisions, and related matters. The time and place of such hearing will be as follows: May 8, 1953, at 10:00 a. m., in Room 315, Federal Building, Spokane, Washington.

Interested persons may also submit written data, views, or arguments to the Director, Grain Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., to be received by him not later than June 1, 1953.

Consideration will be given to all information obtained at the hearing, to written data, views, and arguments received not later than June 1, 1953, and to all other information available in the United States Department of Agriculture before a decision is made as to what revisions, if any, to the official United States Standards for Dry Peas, Split Peas, and Lentils shall be promulgated.

J. E. Barr, Chief, Inspection Division, Grain Branch, Production and Marketing Administration, is hereby designated to conduct the hearing held pursuant to this notice; and B. W. Whitlock, Grain Branch, Production and Marketing Administration, is hereby designated to serve as his alternate.

Done at Washington, D. C., this 15th day of April 1953.

[SEAL] ROY W LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 53-3455; Filed, Apr. 17, 1953; 8:56 a. m.]

[7 CFR Part 943]

[Docket No. AO-231-A3]

HANDLING OF MILK IN NORTH TEXAS MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administra-

tion, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the North Texas marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 15th day after the publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Dallas, Texas, on November 18–25, 1952, pursuant to notice thereof which was issued on October 29, 1952 (17 F R. 9896)

The material evidence in the record of hearing related to proposals with respect to:

(1) Clarification and changes in the qualifications for producers and plants which determine the milk to be priced and pooled;

(2) Extension of the marketing area,

(3) Changes in the classification of milk;

(4) Class prices;

(5) Basing points for Class prices and location differentials to handlers and to producers;

(6) Butterfat differentials to producers;

(7) Payments to be required of handlers who use other source milk for Class I sales;

(8) Advance payments to producers;

(9) Revisions of the base payment plan; and

(10) Administrative provisions of the order.

The notice of hearing contained proposals with respect to the computation of two pools for December milk, payments to be required of handlers using other source milk for Class I use when producer milk is available, the obligations of handlers also regulated by other Federal orders, and limitations with respect to reports to be required and audits to be made with respect to dual purpose plants. No evidence was offered in support of such proposals.

Findings and conclusions. The following findings and conclusions are made on the basis of the evidence at the hearing and the record thereof:

1. *Qualifications of producers and plants for inclusion in the pool.* Several proposals were made to amend the definitions of "producer" and "approved plant" which determine the milk to be priced and pooled under the order.

(a) *Producer qualifications.* The definition of "producer" in the order should be amended to clearly indicate that the farmers whose milk is priced and pooled are approved by the applicable health authorities having jurisdiction in the marketing area for the production of milk for consumption as Grade A milk. Specific limitations should not be placed in the order at this time as to the periods within which a producer may retain his status while his milk is diverted to an unapproved plant.

The present order provides that, with certain limitations, a producer shall be a person who produces milk which is received directly from the farm at an "approved plant," or is caused to be diverted by a handler to an unapproved plant. The limitations relate to circumstances, such as operation of dual purpose plants and receipts for manufacturing use during temporary periods of degrading, under which receipt of milk at an "approved plant" may not indicate that the appropriate health authority approves such milk for disposition for fluid consumption as Grade A milk, and provide that under such circumstances status as a producer under the order is dependent upon the production of milk currently approved by an appropriate health authority for Grade A use. Administration of the order obligates the market administrator to require all handlers to submit evidence of approval by health authorities of the individual producers to be included in the pool.

It was proposed that the producer definition require the holding of a Grade A permit or rating issued by the appropriate health authority. The issuance of Grade A permits to producers is the method used by most health authorities of the North Texas marketing area to identify those producers approved, but instances were shown on the record where approvals had been given without formal issuance of permits.

It is concluded that the qualifications of producers should include approval of a health authority having jurisdiction in the marketing area for the production of milk for consumption as Grade A milk, in addition to delivery of milk directly from the farm to an approved plant. Such change will indicate clearly the intention of the order to price and pool only the milk of those farmers recognized by such health authorities as regular sources of supply of Grade A milk for the market. As at present handlers would be required to provide the market administrator with satisfactory evidence that the appropriate health authorities have issued the appropriate approval.

It was also proposed that a producer whose milk was diverted to an unapproved plant for more than five days during any of the months of September through February should not retain his status as a producer while his milk was so diverted. In support of this proposal it was contended that these were months of short supply during which there had so far been no necessity for diversion of producer milk to unapproved plants. The limit of five days was proposed to take care of emergency conditions and week-end short sales. While the proposal might assist in the distribution of producer milk to plants needing it for Class I use, it could affect the orderly handling of milk in periods of sudden changes in supplies or sales of milk. It is concluded that the proposal should not be adopted on the basis of the need shown on this record.

(b) *Plant qualifications.* The order presently defines "approved plants" as those (1) approved by any health authority having jurisdiction in the marketing area from which items named in the order as Class I milk labeled "Grade A" are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores) or (2) approved by and under the routine inspection of the appropriate health authority of any municipal corporation in the marketing area, and which serve as a receiving station for such a plant.

With respect to plants from which milk is disposed of on routes it was proposed that a "route" should be more precisely defined and that such plants be required to dispose of not less than 15 percent of their total Grade A receipts as Class I milk on routes in the marketing area, if such receipts were to be included in the market-wide pool. With respect to receiving plants it was proposed that such plants be required to dispose of specified percentages (varied seasonally) of their Grade A receipts as Class I milk if such receipts were to be pooled.

A definition of "route" should be included in the order to specify more precisely the character of the distribution which makes a plant subject to the regulation of the order. The two points with respect to which the record indicates need for clarification concern (1) distribution on routes operated by vendors which are not owned nor supervised by the operator of the plant from which the milk is distributed, and (2) the extent to which deliveries to a milk plant should be considered to come within the definition of a "route." The record is convincing that a plant from which milk is distributed for fluid consumption in the marketing area on routes operated by vendors should be regulated, and that the present language of the order be made specific in this respect. The term "route" is defined as any delivery (including any delivery by a vendor or disposition at a plant store) of products specified in the order as Class I milk, other than a delivery in bulk to a milk processing plant. The exclusion of deliveries in bulk to a milk processing plant from the term route is in order to exclude from the regulation of the order plants whose only deliveries in the area are to milk plants, either for manufacturing use or as supplementary supplies for fluid use of regulated plants. Deliveries to milk plants other than in bulk form are seldom in the nature of supplementary supplies. The plant at which the milk is packaged and from which it is delivered to the second plant presumably must have the same approval of health authorities as do plants which distribute directly to wholesale and retail outlets. Accordingly the exclusion of deliveries to milk plants from the definitions of "route" is restricted to deliveries in bulk form.

The order should not be amended at this time to require that a plant from which milk is disposed of on routes dispose of a specified percentage of its Grade A receipts on such routes in the marketing area before receipts at such plants are included in the pool. Much of the testimony with respect to need for such a provision was based upon contingencies that might arise if certain proposals to expand the marketing area were adopted. It is concluded in this

decision that such proposals should not be adopted at this time.

In the case of plants which do not operate routes in the marketing area the order should provide that such plants have a substantial association with the market. Receipts of milk from dairy farmers at plants which do not engage directly in route disposition of milk in the marketing area should be included in the market pool only if such receipts are identified as a regular and dependable part of the milk supply for the area. In order to have sufficient volume of sales to be identified with the market the plant would need to have approval by one of the major municipalities in the marketing area. The record indicates that the only receiving plants so far recognized in the North Texas market have been those approved for the City of Dallas. The only other municipality of comparable size in the marketing area is Fort Worth. Milk under the inspection of Dallas and Fort Worth health authorities is distributed extensively throughout the marketing area, thus indicating that it is acceptable for use throughout the marketing area. It is concluded, therefore, that the requirements for pooling specify the Dallas and Ft. Worth health authorities as the agencies whose approval is required for plants which do not operate routes in the marketing area.

Some evidence of substantial shipments of milk to plants which regularly distribute milk on routes in the marketing area should be required of receiving plants which do not have direct distribution to consumers in the marketing area. The record indicates that milk moves over large distances from farm to plant, between plants, and from plant to consumer in this region. Therefore, the milk received at any particular plant cannot be clearly recognized as a regular supply for the North Texas market if milk is moving out from the same plant to nearby markets. Its identity with the North Texas market should be defined in terms of the percentage of milk received at the plant which is shipped to the plants which distribute milk directly in the North Texas marketing area. Shipments of milk to be considered in determining the qualification of such plants should be closely related to the needs of the receiving plant for Class I use. This will avoid encouraging uneconomic movements of milk as a means of establishing or retaining approved plant status. The provisions of the order for determining classification of milk moved between approved plants are designed for plants whose status is determined and do not provide for assignment of milk by classes to individual plants of a group operated by the same handler. It is provided that qualifying shipments should be those to plants at which disposition of Class I milk exceeds 90 percent of receipts from producers by an equivalent volume. Such a standard recognizes the need for movement of some reserve supplies of milk.

The principal basis for inclusion in the pool should be the requirement that the plant ship more than half of its receipts during each of the months October through January to a plant distributing fluid milk in the marketing area. The months October through January constitute a period in which the market supply of milk is seasonally low and is the period in which producers are required to establish the bases which determine each producer's share of excess and Class I sales in the following flush season. Shipments by plants to the market during these base-forming months should similarly assure such plants of participation in the pool during the following flush production months. Accordingly, it is concluded that a plant which has been included in the pool as an approved plant during each of the months of October through January immediately preceding shall be a pool plant during the months of April through July regardless of the quantity of milk shipped to the market from such plant, unless the operator of such plant requests that it be withdrawn from the pool.

Under the present supply conditions relative to Class I sales, it is concluded that an auxiliary plant supplying milk to other plants in the marketing area could be expected to market more than half of its receipts as Class I sales in the North Texas area during the period October through January. The 50 percent requirement is established at a relatively low point in order to provide for those situations in which rapidly changing supply conditions might cause distributing handlers to cancel their orders from such an auxiliary plant thereby jeopardizing the plant's pool status. If the supply conditions in the market improve to a point where shipments from an auxiliary plant might not be needed in this amount regularly during the period October through January, the shipping requirements during that period should be reduced with respect to plants which have already qualified as approved plants. An indication of such improved supply situation can be defined in terms of the utilization percentage adjustment used in calculating the Class I price. It appears reasonable that if the utilization percentage exceeds the maximum percentage by more than 5 points for 3 consecutive months, this decision to require a shipment of 50 percent of the volume of milk received at an auxiliary plant should be reviewed. Therefore, the order should provide at this time that if such a situation prevails, the 50 percent shipping requirement shall be reduced to 20 percent for plants which were approved plants in each of the three preceding months.

On the other hand, some provision should be made for the possibility that supplies of milk will become much shorter relative to Class I sales for the market. Therefore, the order should provide that a plant may be pooled during the months of April through July in certain circumstances even though such a plant had not qualified during the previous October through January. With a base plan in effect, it is not reasonable that a plant could maintain its producer supply by paying excess prices during this period unless the market becomes extremely short of milk to the point where the excess price is very close to the Class I price. A plant which ships 60 percent or more of its receipts to a distributing plant during the months of April through July should therefore be included in the pool.

During the months of August and September, February and March, nominal shipping requirement of 20 percent of current receipts should be required to maintain pool plant status.

(2) No changes should be made in the territorial boundaries of the North Texas marketing area on the basis of this record.

Several proposals to expand the size of the North Texas marketing area were included in the notice of hearing. The additional territory covered by the combined proposals is somewhat larger in size than the present marketing area.

Some of the proposals were not supported by proponents at the hearing. These included a proposal to add Wichita Falls, a non-contiguous urban area located northwest of the present marketing area. Other proposals abandoned by the proponents were the proposals to add Bowie County adjoining the city of Texarkana which is not a part of the marketing area and to add Somervell and Hood Counties which touch the present marketing area near Fort Worth. Proponents offered no testimony directly in support of adding Rains County, a predominantly rural area.

Several counties to the south of the present marketing area and to the east of the area as well as Mineral Wells in Palo Pinto County which is located on the west boundary of the present marketing area were proposed to be included in the marketing area. The record indicates that handlers now regulated by the North Texas order sell milk in each of these proposed additions to the marketing area. In certain areas such as Mineral Wells and Corsicana County, all of the milk presently sold is regulated by the North Texas order. In other proposed additions to the territory regulated handlers sell varying percentages of the milk disposed of within those areas and the balance is disposed by handlers who are now not regulated by the North Texas order. The handlers who would be regulated by the order if the marketing area were extended to the south of the present territory generally favored inclusion of those territories and supported the extension of the marketing area in that direction. Several handlers who would be included by the extension of the regulation to counties lying east of the present marketing area objected to the extension of the marketing area in that direction.

The testimony in the record indicates that the prices paid by handlers who are now not regulated by the order are about the same as the prices paid by handlers under the North Texas order. The record indicates one instance in which a North Texas handler apparently lost certain Class I sales in the area proposed to be added. This was a military contract which was taken on a bid so low that handlers contend the milk must have been purchased at a lower cost. This one instance of the loss of a military contract on the basis of a low bid by an unregulated handler is not convincing of a general situation which

portends the likelihood that low price milk will be regularly available to compete with the regulated milk for outlets to military installations in this region. If such a situation does develop, it will be necessary to consider whether or not this particular military installation is dependent during most of the year on a supply from the North Texas market and therefore should be considered a part of the marketing area.

The declared purpose of milk marketing orders is to establish and maintain such orderly marketing conditions for agricultural commodities in inter-state commerce as will establish a specified level of prices to farmers. Since the evidence in this record gives no hint of disorderly marketing conditions which are likely to result if the marketing area is not extended to include these additional territories, we are unable to conclude that it is necessary to extend the marketing area to include these territories.

3. Changes in the provisions of the order with respect to the classification of milk should be adopted as set forth below.

A variety of proposals were made with respect to the classification of milk. The majority of these proposed that certain uses and dispositions of milk which the order now clasifies as Class I milk be classified as Class II milk.

A proposal that buttermilk be classified as Class II milk should not be adopted. The proponents of such a change contended that some health authorities of the marketing area do not require importation of solids for use in buttermilk to be in the form of milk or skim milk, but permit buttermilk to be reconstituted from milk solids imported in the form of Grade A condensed skim milk. The delivered cost of milk solids in Grade-A condensed skim milk is substantially more than that represented by the Class II price even though such cost is somewhat less than the Class I price. Furthermore, the physical characteristics of buttermilk and the market for it more closely resemble fluid milk than the products classified as Class II milk. The evidence does not establish that buttermilk is regularly made from Grade-A condensed milk when producer milk is available. Therefore, we cannot conclude from this record that the acceptance by local health authorities of Grade-A condensed for making buttermilk would be continued during a period in which fully-approved supplies of milk are available.

Milk and skim milk disposed of in bulk during the months of March through August to bakeries or food product manufacturing plants which do not dispose of milk for fluid consumption should be classified as Class II milk. Cream disposed of to such outlets during any month should likewise be Class II milk. Bakeries and food product manufacturing plants are not required to use Grade A milk in their operations. Classification as Class II milk of milk and skim milk disposed of to such outlets is limited to the months of March through August when milk supplies are seasonally high.

Since the Class II price is established at a level which assumes a processing cost not incurred in the case of such fluid sales, a year-round Class II price for such uses would result in a cost per pound of milk solids for such uses lower than the cost of milk solids in the form of manufactured products. This cost advantage might encourage handlers to develop such sales even when the milk is needed for Class I products. Therefore, such uses should continue to be classified as Class I during the months September through February. Such restriction need not apply to dispositions in the form of cream, due to the high butterfat content of producer receipts in the market relative to Class I sales.

Skim milk dumped should continue to be regarded as milk not accounted for due to the fact that the dumped product disappears without an independent record available for verification. In the extensive North Texas marketing area, inspection by the market administrator of the physical process of dumping after prior notice of intention is not administratively practicable. In order to avoid so far as feasible Class I charges to handlers for skim milk for which they receive no return, the maximum allowance for shrinkage or unaccounted for skim milk should be increased from 2 to 5 percent of receipts for the months of April, May and June.

A proposal that skim milk in cream classified in Class II milk should be exempt from the allocation provisions of the order which determine the classification of milk received from producers should not be adopted. The order presently classifies the uses made of all receipts by each handler and allocates the skim milk and butterfat in such receipts separately in determining the classification at which producer milk is priced. There is no foundation in this record for establishing a system of accounting for milk whereby the use made of one component of milk would determine the classification of all components.

The area within which milk and skim milk may be classified as Class II milk when transferred or diverted to unapproved plants should be enlarged. Under provisions in effect at the time of the hearing, but since suspended, milk or skim milk transferred or diverted to an unapproved plant more than 200 miles distant was classified as Class I milk. Since the effective date of the order conditions affecting the disposal of milk in excess of Class I needs have changed in the North Texas market. Some milk manufacturing plants in or near the marketing area have ceased operations and a substantial number of producers from distant points in Arkansas and Missouri have entered the market as direct shippers. There are manufacturing plants in the area in which the farms of these producers are located to which their milk can economically be diverted, but which are beyond the 200 mile limit. It was proposed that the limit be placed at 250 miles (or 200 airline miles) from the nearest boundary of the marketing area, and that in addition certain specified counties be named in Arkansas and Missouri, plus one county in Texas. It is concluded that provision should be made so that milk or skim milk may be classified as Class II milk, upon proper verification of use in such class, if transferred or diverted to an unapproved plant located not more than 300 miles distant from Dallas or in certain named counties, 7 of which are in Missouri and one in Arkansas. Such an area will be approximately equal to that proposed, and will provide for all movements for manufacturing purposes for which need was shown on the record.

Changes should also be made in the provisions which determine the classification of cream transferred to unapproved plants. Presently cream transferred to such plants more than 200 miles distant is classified as Class I if it moves under Grade A certification of the appropriate health authority, and as Class II if it moves without such certification. Transfers to unapproved plants within 200 miles are Class I unless the receiver certifies that the cream is for Class II use, and maintains records subject to audit of the market administrator which verify such use. In practice these provisions make it less burdensome to establish Class II classification on movements to distant plants than on movements to nearby plants. There is little movement of cream under Grade A certification, as supplementary supplies of fluid milk plants in this region are usually required in the form of milk or skim milk due to the comparatively greater shortage of nonfat solids than of butterfat. Cream which moves without Grade A certification is required to carry a label on each container indicating that it is an ungraded product. It appears reasonable to provide that the classification of cream to all unapproved plants be Class I if the cream moves under Grade A certification, and be Class II if the handler establishes that the cream moved without such certification and with each container labeled to indicate that the contents were an ungraded product suitable for manufacturing use only, and that the shipment was so invoiced.

The order should indicate specifically that shrinkage allocated to other source milk is a disposition of Class II milk. This will correct an inadvertent omission in the drafting of the present order but will in no way change its operation.

The classification of inventories should be changed for clarification of the order. Presently changes (plus or minus) in inventory from the beginning of the month to the end of the month are classified as Class II milk. This system does not indicate as clearly as is desirable the conditions under which a handler should pay reclassification charges because he has used in the current month for Class I purposes milk he accounted for to producers as Class II milk in inventory in a previous month. It does not permit the allocation provisions of the order to give producer milk in inventory prior claims to Class I sales over current receipts of other source milk. In addition the negative classification figures used cause

some confusion. These results will be avoided if the entire closing inventory (milk, skim milk, cream and other products specified as Class I milk when disposed of) is classified as Class II milk and the opening inventory is treated as a receipt to be allocated, in series beginning with Class II milk, to the uses remaining after prior allocation of receipts of other source milk to Class II uses. The extent to which the opening inventory is allocated to Class I milk, when compared with the volume of producer milk classified in the preceding month as Class II milk, will then provide the basis for any reclassification charge. This system of revolving inventories requires separate treatment of storage cream, stored in public warehouses and not removed within 30 days after storage. Such storage cream is normally stored in flush production seasons for manufacturing use in the short season. Provision is made for classification of such cream as Class II, subject of course to the reclassification provisions of the order if used for Class I milk when removed from storage.

4. No change should be made on the basis of the record of this hearing in the differentials added to basic formula prices in determining the Class I price; provisions for "supply-demand" adjustment of Class I prices should be retained in the order, but the rates of such adjustment should be varied seasonally. provision should not be included in the order to prevent the Class I butterfat differential from being less than that applicable to Class II milk; class prices and class butterfat differentials should be expressed in tenths of cents; a plant no longer in operation should be deleted from the list of condenseries whose paying prices constitute an alternative basic formula price.

Effective April 1, 1953, the North Texas order will provide that, subject to a supply demand adjustment and certain features to prevent contraseasonal price movements, the price for Class I milk be determined by adding $2.00 to a basic formula price during the months of April, May and June, or $2.20 during other months. Temporary price increases that have been in effect since May 1, 1952, are due to expire March 31 of this year. These temporary pricing provisions were included in the order because of the severe and extended drought in the North Texas supply area. For the months of May through September 1952 a "floor" price of $6.68 was provided. For the months of October through February a temporary increase of 46 cents is provided in the Class I differential, and for March 1953 the temporary increase is 23 cents.

It was proposed that temporary increases be provided through March 1954. In support of this proposal it was contended that the effects of the drought were so devastating that even with adequate rainfall normal pasture and crop production conditions could not be anticipated before the spring season of 1954. Considerable testimony was introduced to show that perennial pasture and hay grasses and legumes had been damaged to the extent that normal stands could not be expected in 1953.

While the evidence in the record may indicate the probability that feed production conditions may not be favorable in 1953 it does not form a basis for the conclusion that milk supplies for the North Texas market will be seriously impaired. Throughout the severe drought conditions that prevailed from the effective date of the order (October 1951) to the date of the hearing, the number of producers supplying the North Texas market has steadily increased. In October 1952, 3,020 producers were supplying the market, a gain of 570 from the 2,450 on the market in October 1951. In the same period daily receipts from producers had increased from 1.23 million pounds to almost 1.44 million pounds. It appears therefore that factors other than feed production conditions have had considerable effect on the supply of milk relative to the needs of the market. Since the supply of milk relative to sales appears to be increasing it is concluded that action to change the level of prices for this period should not be taken on the basis of this record.

The Class I price of the North Texas order is subject to an adjustment based on the relationship of receipts of milk from producers in the second and third preceding months to the total Class I sales of all handlers during these months. When the supply of producer milk in these months is less than a stated minimum percentage (varied seasonally) of Class I sales the Class I price is increased 2.5 cents for each percentage point of variation. Similarly a decrease of 2.5 cents is provided for each percentage point by which the supply of producer milk exceeds a stated maximum percentage (also varied seasonally) of Class I sales. The provision has been effective only since October 1, 1952. Prior to that date its effectiveness was either deferred under the terms of the order or was overriden by the "floor" prices established in the order.

It was proposed that the "supply-demand" adjustment be eliminated, or that the Class I sales used in the computation exclude those made out of the marketing area. It was also proposed that the rate of adjustment for each percentage point of variation be changed.

Had the supply-demand provision been operative at all times since the issuance of the order, it would have resulted in some increase in price each month since the order was in operation. During the same period of time emergency conditions prevailed which required emergency price increases under the order, and handlers frequently paid substantially in excess of order prices. The provision was attacked on the basis that the different price changes resulting at different periods were not well related to each other. The fact that data for only thirteen months of operation under the order were available to the record makes comparison between different periods difficult.

Class I sales, whether in or out of the marketing area, represent an outlet for producer milk which should be included in the computation of any "supply-demand" adjustment. North Texas handlers making out-of-market sales purchase milk to supply such sales. If out-of-market sales were not included in the computation of the supply-demand adjustment, the price would be depressed unjustifiably as handlers acquired producer milk to supply such sales.

The rate of adjustment should be changed so that price increases will be at the rate of 2 cents per point in April, May and June, and 4 cents per point in September, October and November, and price decreases at 4 cents per point in April, May and June, and 2 cents per point in September, October and November. Indications that supplies for the fall months will be short or that supplies for spring months will be greater than normal, require greater changes in price than do indications that the reverse will be true. For all other months the rate of change, either up or down, should be 3 cents per point.

The seasonally variable schedule of supply-demand adjustments will also result in a slightly larger price adjustment for every percentage divergence of the utilization percentage from the normal limits. This should make the provision more effective in adjusting the price in line with the market supply and Class I sales.

A proposal that the Class I butterfat differential of the order never be less than the Class II butterfat differential should not be adopted. The Class I differential is determined from the butter price in the preceding month and the Class II differential from that in the current month. The factors used in computing the differentials are such that there is little likelihood that the Class II differential will ever exceed the Class I differential. The adoption of the Class II differential as a floor for the Class I differential would prevent determination of the Class I differential in advance of the month to which it applies. Advance announcement of the Class I price and butterfat differential is now provided by the order and this record provides no basis for a change in this respect.

Class prices and class butterfat differentials (to handlers) should be expressed to the nearest one-tenth cent. This will make definite in the order the practice of the market which appears to have been satisfactory.

The plant of the Carnation Company, Jefferson, Wisconsin, is no longer in operation. Accordingly, the name of this plant should be deleted from the list of condenseries whose average paying price constitutes an alternative basic formula price.

5. Differentials should be included in the order which would establish Class I prices to handlers according to the location of the plant at which such milk is received from producers, and which would determine the uniform prices to producers applicable at the location of plants at which such milk is received including plants to which milk is diverted directly from farms. This record, however, does not provide an adequate basis upon which to determine the area within which such differentials should apply or

the rates at which they should be computed. It is concluded therefore that the hearing should be reopened to receive further evidence with respect to these matters.

The North Texas order now contains no provisions for differentials applicable to the Class I or uniform prices of the order based upon the location at which milk is received from producers. Most of the approved plants at which milk is received from producers for the North Texas market are located in the 16 county marketing area. Two plants are located in Mineral Wells, adjacent to the western boundary of the area. Another plant outside the marketing area is a receiving station located at Windthorst, Texas, approximately 50 miles from the boundary of the marketing area.

There has, however, been a rapid increase in the number of distant producers supplying the North Texas market. In November 1951 about 60 producers whose farms are located in Northwestern Arkansas began supplying the market as direct shippers. Their milk is first collected at Springdale, Arkansas, and is delivered in the producer's cans to the plant of a handler in Dallas. Springdale is approximately 275 road miles from the boundary of the marketing area and more than 350 road miles from Dallas. In August 1952 there were approximately 100 producers for the Dallas market whose milk was collected at Springdale. Representatives of these producers testified that for about four months in the spring and summer of 1952 their milk was not delivered to Dallas but was diverted to manufacturing plants in that general area.

Another group of approximately 100 producers entered the market in the summer of 1952. The milk of these producers is collected at Monnett, Missouri, approximately 340 road miles from the boundary of the marketing area and more than 400 road miles from the Dallas plant at which their milk is received when needed in the market. The cooperative association to which these producers belong operates a manufacturing plant at Monnett to which the milk is diverted when not needed in the market.

The Arkansas producers paid a hauling charge of $1.00 per hundredweight to get their milk from their farms to Dallas, and 60 or 65 cents when the milk was diverted to a manufacturing plant. Hauling costs for the Missouri producers were not shown on the record.

Direct delivery of milk in producers' cans from such distances is a new development in milk procurement. Milk supplies from such distances have normally been accumulated at plants in the production area. The present provisions of the North Texas order would, however, require the handler operating an approved plant in the Arkansas or Missouri area to pay the Class I price of the North Texas order for milk received at such a plant and to bear the costs of movement to the North Texas market. Producers would also receive for delivery of their milk to such a plant the same uniform price as would producers who delivered their milk to a plant located in Dallas or Fort Worth. Such a condition might be very attractive to producers but not to the handler.

The attractiveness of the market to a producer is determined by the net return he gets from the market price less the cost of moving his milk to the market. The record indicates that under the present provisions of the order certain producers receive a higher net farm price when their milk is diverted to nearby manufacturing plants than they would receive if the milk were moved to the market for Class I sales. Although producers, except those who belong to cooperative associations which operate milk plants, are not in position to direct the use of their milk, the more attractive net price which handlers can offer producers when their milk is diverted for manufacturing would tend to encourage such diversions. Since the pricing plan is designed to direct milk to the Class I market as it is needed, the contra-effect of the present provisions should be eliminated as soon as possible.

It is concluded that there should be adopted a system of location differentials to apply to Class I prices for milk received at approved plants and to uniform prices to producers for milk received at such plants or diverted to unapproved plants. It was proposed that such differentials apply at points 150 airline miles or more from the boundary of the marketing area. The record, however, fails to provide an adequate basis for determining the area within which such differentials should apply or the rates at which they should be computed. There are indications in the record that within the 150 mile area and even within the marketing area hauling rates from farms to plants vary somewhat with distance. There are centers of population in the marketing area where there is a much greater demand for milk than at other points and the production of milk is not evenly distributed in proportion to this demand. Therefore, it is necessary to move milk from the production centers to the urban areas. It is concluded that further action on this issue should be deferred until the hearing can be reopened for the purpose of receiving further specific evidence with respect to the area to which location adjustments should apply and the rates which will equitably relate handlers' costs and producers' returns for milk received at or diverted to various locations in the light of the transportation costs incurred in serving the market.

The order presently provides that a handler shall pay the minimum class prices of the order for milk received at his plant from producers. A proposal that this requirement be restricted to milk received at a "processing plant" should not be adopted. To do so would leave unpriced producer milk received at receiving plants specifically defined in the order as approved plants. The order should provide specifically that the class prices (adjusted by any differentials adopted as a result of the above conclusions) shall apply at approved plants and that milk diverted from the farm to an unapproved plant for the account of a handler shall be regarded to have been received by the handler at an approved plant at the location of the unapproved plant.

6. The butterfat differential applicable to prices paid to producers should be expressed in even cents and decreased slightly. Under present provisions of the order this butterfat differential is 1.2 times the price of butter at Chicago, and is rounded to the nearest one-tenth cent. A cooperative representing a majority of producers in the market asked that the differential be expressed in even cents and proposed that this be accomplished by providing a one-cent change in the differential for each 10 cent change in the price of butter. The proposed change would not affect prices charged handlers and there was no opposition to its adoption. It will provide a slight reduction in the differential at the present level of butter prices, which appears desirable since the butterfat test of milk received from producers exceeds the average test of Class I sales.

7. No change should be made in the order on the basis of this record to require payments to the producer fund by handlers who purchase milk and dairy products for Class I use from sources other than producers.

Producers are defined generally in the order to include all of the dairy farmers whose milk is purchased regularly by North Texas handlers for disposition in the marketing area under the full approval of the local health departments. All other receipts are regarded as other source milk.

Presently handlers are free to use other source milk for Class I sales in excess of their receipts of producer milk without further obligation to producers. It was proposed at this hearing that handlers be required to make a payment into the producer fund equal to the difference between the Class I and Class II prices on each hundredweight of other source milk allocated to Class I use either (1) when producer milk was available to the handler or (2) when the handler failed to establish that such use of other source milk was not in violation of applicable health regulations. This record fails to show a reasonable basis for computing an equalizing payment or determining the circumstances when such payment should be required on the basis that producer milk was available to the handler. While the record is more definite concerning a basis for computing equalizing payments if ungraded milk is used, no immediate need for such a provision was shown.

8. The order should specify that the advance payments to producers with respect to milk delivered during the first 15 days of each month be computed at a price no less than the Class II price without adjustment for butterfat test or deduction for hauling.

Several proposals were made with respect to advance payments. The testimony with respect to all of these related to conditions under which handlers had for competitive reasons paid producers more frequently or at higher rates than the order required. The order can establish only minimum rates of payment.

Since this is an advance payment, and final accounting is made later, it is desirable that the determination of whether the minimum advance to each producer has been made be as simple as possible. The Class II price is substantially below the average price paid producers so that there is little likelihood of overpayment if the minimum is established at the Class II price without adjustment for test or deduction for hauling. It is concluded that this minimum should be specified, but in order to avoid any possibility of requiring overpayments that a handler cannot recover, the advance payment should not be required if the producer has ceased deliveries to the handler by the 25th of the month.

9. No changes should be made in the order on the basis of this record with respect to the months in which payments to producers are made on bases or with regard to the transfer of bases. The orders should be clarified with respect to the computation of bases for producers whose deliveries are not made daily during the base-forming period.

The order presently provides that payments to producers for milk delivered during the months of April, May and June be made at base and excess prices and that for other months a blend price be computed for all milk without regard to bases established by individual producers. It was proposed that July and August be added to the months for which bases would be effective. Under the present provisions producers without established bases may enter the market during the months of July through October and have their prices computed on the same uniform price as producers without established bases. This is the period of the year when the market has heretofore been seeking additional producers to supply short season deficits. The proposal would restrict this period to September and October when such deficits have frequently been acute. This record does not support such a change.

The order provides that the base established by a producer can be transferred only to a member of the producer's immediate family in the event of death, retirement, or entry into military service, or to one of the joint holders of a base when a joint holding is terminated. It was proposed that a producer be permitted to transfer his entire base freely without limitation other than that there be no transfers of partial bases. The purpose of a base-rating plan of payment is to distribute the flush season payments to individual producers in accordance with their individual deliveries during the short production season. The free transfer of bases might encourage trading in bases and affect the value of base-accompanied herds as compared to no base herds. Such is not the purpose of a base payment plan.

The order provides for the establishment of daily bases at the average of a producer's daily deliveries during the months of October through January by dividing the total pounds of milk received from such producer by the number of days, not to be less than ninety, that the producer delivers milk in the period. The milk of some producers is accepted when delivered every other day. If the number of days of delivery is used in the computation of the bases of such producers, their bases would be greater than their daily production during the base-forming period. The order should be clarified to specify that the number of days to be used be that during the period within which the producer made deliveries in the named months.

10. The market administrator should be authorized to announce the name of any handler who has failed to make required reports or payments without waiting until 10 days have elapsed. The order authorizes the announcement of the names of those who have not reported or paid within 10 days of the required date. The 10-day delay in announcing non-compliance prevents the market administrator from disclosing at the announcement of the uniform price any handlers whose receipts and uses were not included in the computation because their reports were not filed in accordance with the order. It is important that other handlers and producers be advised when the uniform price is announced whether the price is determined on the basis of reports received from all regulated handlers.

Other non-substantive changes which are needed to clarify the language of the order and the amendments decided upon at this time should be adopted and are incorporate in the proposed amendatory provisions hereinafter set forth.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed by representatives of cooperative associations of producers, by representatives of handlers, and by other interested persons.

These briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following amendment to the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed amendment to the tentative marketing agreement is not repeated in this decision because the regulatory provisions thereof would be the same as those contained in the order with the following amendment:

1. Delete § 943.7 and substitute therefor:

§ 943.7 *Approved plant.* "Approved plant" means:

(a) A milk plant approved by any health authority having jurisdiction in the marketing area for the processing or packaging of Grade A milk or milk products and from which such milk or milk products are disposed of on route(s) in the marketing area; or

(b) A milk plant approved by and under the routine inspection of the appropriate fiealth authority of the City of Dallas or of the City of Fort Worth, at which milk from dairy farmers inspected and approved by such authority is weighed and commingled, and from which milk or skim milk is moved in bulk as follows to a plant specified in paragraph (a) of this section at which disposition of Class I milk during the month exceeds 90 percent of receipts of milk from producers by an equivalent volume:

(1) During any of the months of August, September, February and March, in an amount equal to 20 percent of receipts of milk at such plant from such dairy farmers;

(2) During any of the months of April through July, (i) in an amount equal to 60 percent of receipts of milk at such plant from such dairy farmers, or (ii) regardless of the movements of milk if such plant had been an approved plant pursuant to this section during each of the months of October through January immediately preceding, unless the operator of such plant withdraws such plant as an approved plant by notification in writing to the market administrator prior to the beginning of the month;

(3) During any of the months of October through January in an amount equal to 50 percent or more of receipts of milk at such plant from such dairy farmers: *Provided,* That with respect to plants which have been approved plants for each of the three months immediately preceding, the 50 percent shipping requirement shall be reduced to 20 percent in any month of October through January following the third consecutive month in which the two-month utilization percentage computed pursuant to § 943.51 (a) (1) (iii) is more than 5 points above the maximum per-

centage for such two-month period set forth in § 943.51 (a) (1) (iv)

2. Delete § 943.10 and substitute therefor:

§ 943.10 *Producer* "Producer" means any person, other than a producer-handler, who produces milk approved by the applicable health authorities having jurisdiction within the marketing area for consumption as Grade A milk, which milk is received directly from the farm at an approved plant. "Producer" shall not include any such person during periods of temporary degrading by such health authority if such health authority notifies the operator of the approved plant or the market administrator in writing of the effective date or dates of such action and subsequent reapproval. "Producer" shall include any such person whose milk is caused to be diverted by a handler to an unapproved plant for the account of such handler, and milk so diverted shall be regarded for all purposes of this part to have been received by such handler at an approved plant at the location of such unapproved plant and then transferred to the unapproved plant. "Producer" shall not include any such person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from this subpart pursuant to § 943.61.

3. Insert a new section following § 943.15, as follows:

§ 943.16 *Route.* "Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of milk, skim milk, buttermilk, flavored milk, flavored milk drinks or cream other than a delivery in bulk form to a milk processing plant.

4. In § 943.22 (h) delete the words "within 10 days"

5. Delete § 943.41 and substitute therefor:

§ 943.41 *Classes of utilization.* Subject to the conditions set forth in §§ 943.43 and 943.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat

(1) Disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture (except eggnog and bulk ice cream and frozen dairy product mixes) of cream and milk or skim milk;

(2) Used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans; and

(3) All other skim milk and butterfat not specifically accounted for as Class II milk;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section;

(2) Disposed of for livestock feed;

(3) Disposed of in bulk, as milk or skim milk during the months of March through August, or as cream during any month, to commercial bakeries or food products manufacturing plants (other than dairy plants) which do not dispose of milk for fluid consumption;

(4) In frozen cream stored in a public cold storage warehouse and not removed within 30 days after date of storage;

(5) In shrinkage up to 2 percent (5 percent, with respect to receipts of skim milk during the months of April, May and June) of skim milk and butterfat in receipts from producers;

(6) In shrinkage of other source milk; and

(7) In inventory at the end of the month in the forms specified in paragraph (a) (1) and (2) of this section.

6. Delete paragraph (b) of § 943.43 and substitute therefor:

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or by another handler (whether in original or other form) as Class I milk. Any skim milk or butterfat which was classified as Class II in the previous month pursuant to § 943.41 (b) (7) shall be reclassified as Class I if it is subtracted in the current month from Class I pursuant to § 943.46 (a) (5)

7. Delete paragraphs (c) (d) and (e) of § 943.44 and substitute therefor:

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk to an unapproved plant located (1) more than 300 miles from Dallas, Texas, by shortest highway distance as determined by the market administrator and (2) outside the counties of Barry, Cedar, Greene, Lawrence, Polk, Newton and McDonald in the State of Missouri, and Benton in the State of Arkansas;

(d) As Class I milk if transferred in the form of cream under Grade A certification to an unapproved plant, or unless the handler claims classification as Class II milk and establishes the fact that such cream was transferred without Grade A certification and with each container labeled or tagged to indicate that the contents are an ungraded product suitable for manufacturing use only, and that the shipment was so invoiced;

(e) As Class I milk if transferred or diverted in the form of milk or skim milk to an unapproved plant not described in paragraph (c) of this section, unless the conditions in subparagraphs (1) and (2) of this paragraph are met:

(1) The handler claims classification as Class II milk on the basis of utilization mutually indicated in writing to the market administrator by the handler and the operator of the unapproved plant on or before the 7th day after the end of the month within which such transfer occurred; and

(2) The operator of the unapproved plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification.

(3) If the above conditions are met, the classification reported by the handler shall be subject to verification by the market administrator as follows:

(i) Determine the use of all skim milk and butterfat at such unapproved plant, and

(ii) Allocate the skim milk and butterfat so transferred or diverted to the highest use classification remaining after subtracting, in series beginning with Class I milk, the skim milk and butterfat in milk received at the unapproved plant direct from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such unapproved plant in markets supplied by it.

(iii) The classification of milk transferred or diverted to an unapproved plant from which all receipts are moved in bulk to a second unapproved plant for further processing shall be determined on the basis of utilization in such second plant.

8. a. In § 943.46 delete paragraph (a) (4) and substitute therefor:

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the pounds of skim milk in receipts of other source milk;

b. In § 943.46 (a) renumber subparagraphs (5) (6) and (7) as subparagraphs (6) (7) and (8) respectively, and insert a new subparagraph (5) as follows:

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the pounds of skim milk in inventory at the beginning of the month in the form of milk, skim milk, cream or any product specified in § 943.41 (a) (1) or (2),

9. In § 943.50 (a) delete from the list of plants and places the following: "Carnation Company Jefferson, Wisconsin."

10. Delete § 943.51 and substitute therefor:

§ 943.51 *Class prices.* Subject to the provisions of § 943.52, the minimum prices per hundredweight to be paid by each handler for milk received at his approved plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price (rounded to the nearest one-tenth cent) for the preceding month, plus $2.00 for each of the months of April, May and June, and plus $2.20 for all other months, subject to the following:

(1) A supply-demand adjustment of not more than 50 cents computed as follows:

(i) For the second and third months preceding the month to which the price applies determine the total pounds of Class I milk (less interhandler transfers) for all handlers exclusive of producer-handlers and handlers partially exempt from this order pursuant to § 943.61,

(ii) For the same months determine the total pounds of milk received from producers by the same handlers;

(iii) Divide the results obtained in subdivision (ii) of this subparagraph by the result obtained in subdivision (i) of this subparagraph to obtain a "net utilization percentage," rounded to the nearest whole percent;

(iv) For each percentage point that the "net utilization percentage" is less than the minimum percentage listed below for such two-month period the Class I price shall be increased 2 cents in April, May and June, 3 cents in July, August, December, January, February and March, and 4 cents in September, October, and November; for each percentage point that the "net utilization percentage" is more than the maximum percentage listed below for such two-month period the Class I price shall be decreased 4 cents in April, May and June, 3 cents in July, August, December, January, February and March; and 2 cents in September, October and November:

2-month period	Percentages		Month to which adjustment applies
	Minimum	Maximum	
January–February	108	118	April.
February–March	112	122	May.
March–April	115	125	June.
April–May	120	130	July.
May–June	125	135	August.
June–July	120	130	September.
July–August	115	125	October.
August–September	107	117	November.
September–October	100	110	December.
October–November	100	110	January.
November–December	102	112	February.
December–January	105	115	March.

(2) Except for adjustments pursuant to subparagraph (1) of this paragraph, such price for each of the months of October, November and December shall not be less than that for the preceding month, and such price for each of the months of April, May and June shall not be more than that for the preceding month.

(b) *Class II milk.* The price computed pursuant to § 943.50 (c) for the months of April, May and June, and the higher of the prices computed pursuant to § 943.50 (b) or (c) for all other months, rounded in each case to the nearest one-tenth cent.

11. In § 943.52, delete the last phrase preceding paragraph (a) which reads "and dividing the result by 10." and substitute therefor: " dividing the result by 10 and rounding to the nearest one-tenth cent."

12. Delete § 943.70 and substitute therefor:

§ 943.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable respective class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 943.46 (a) (3) by the applicable class price(s) and

(c) Add any plus amounts resulting from the reclassification of skim and butterfat pursuant to § 943.43 (b) except that the quantity of skim milk and butterfat in inventory on which a reclassification charge is made shall not exceed the quantity in producer milk classified as Class II milk (other than as shrinkage) in the handler's plant(s) for the preceding month. The reclassification charge for such skim milk and butterfat shall be computed at the difference between its value at the Class I price for the current month and the Class II price for the month in which previously classified as Class II milk (the preceding month, with respect to skim milk and butterfat in inventory).

13. Delete paragraph (b) of § 943.90 and substitute therefor:

(b) On or before the 25th day of each month, to each producer (1) for whom payment is not made pursuant to paragraph (c) of this section and (2) who has not discontinued delivery of milk to such handler, an advance payment for milk received from such producer during the first 15 days of such month computed at not less than the Class II price for 4 percent milk of the preceding month, without deduction for hauling.

14. Delete § 943.91 and substitute therefor:

§ 943.91 *Producer butterfat differential.* In making payments pursuant to § 943.90 (a) or (c) there shall be added to, or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount determined from the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the month, according to the following table:

Butter price:	*Butterfat differential (cents)*
20.0 to 29.99 cents	3
30.0 to 39.99 cents	4
40.0 to 49.99 cents	5
50.0 to 59.99 cents	6
60.0 to 69.99 cents	7
70.0 to 79.99 cents	8
80.0 to 89.99 cents	9
90.0 to 99.99 cents	10
$1.00 to $1.10	11

Filed at Washington, D. C., this 15th day of April 1953.

[SEAL] ROY W LENNARTSON,
Assistant Administrator.

[F. R. Doc. 53-3458; Filed, Apr. 17, 1953; 8:57 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 9]

[Docket No. 10448]

AERONAUTICAL SERVICES

FREQUENCY STABILITY

In the matter of amendment of §§ 9.172 and 9.446 of the Commission's rules and regulations governing Aeronautical Services.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Section 9.172 of the Commission's rules and regulations contains a table of frequency tolerances applicable to stations operating in the aeronautical services. It is proposed to amend this section of the rules as set forth below, to conform, generally, to the Table of Frequency Tolerances in Appendix 3 of the Radio Regulations, Atlantic City, 1947.

3. Appendix 3, Atlantic City, provides that the frequency tolerances applicable to:

(a) Aeronautical stations (land) and aircraft stations operating on frequencies 10 to 535 kc. shall to 0.02 percent and 0.05 percent, respectively;

(b) Aircraft stations operating on frequencies above 535 kc. shall be 0.02 percent;

(c) Aeronautical stations (land) operating on frequencies from 1605 to 4000 kc. with power below 200 watts shall be 0.01 percent, and with power above 200 watts shall be 0.005 percent;

(d) Aeronautical stations (land) operating on frequencies from 4000 to 30,000 kc. with power below 500 watts shall be 0.01 percent, and with power above 500 watts shall be 0.005 percent;

(e) Aeronautical fixed stations operating on frequencies from 1605 to 4000 kc with power below 200 watts shall be 0.01 percent, and with power above 200 watts shall be 0.005 percent; and

(f) Aeronautical fixed stations operating on frequencies from 4000 to 30,000 kc. with power below 500 watts shall be 0.01 percent, and with power above 500 watts shall be 0.003 percent.

4. The existing § 9.172 provides that the frequency tolerances applicable to aircraft stations operating on frequencies above 500 kc., and all stations operating in the aeronautical services on frequencies below 500 kc. shall be 0.01 percent and 0.02 percent, respectively. It is not proposed to change the existing frequency tolerances applicable to these stations.

5. The scope of service of aeronautical operational fixed stations now authorized under the existing § 9.446 of the rules is primarily for link or control circuits. The amendment of this section would make the service authorized include link or control operations as well as other aeronautical fixed operations. The effect of the proposed amendment is to relieve a restriction not intended and to bring the aeronautical services in to conformity with the other services as well as with Part 2 of the rules.

6. The proposed amendments are issued pursuant to the authority of sections 303 (c) (f) and (r) of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the proposed amendment should not be adopted may file with the Commission, on or before May 18, 1953 a written statement or brief setting forth his comments. Persons desiring to support the proposals may also file comments by the same date. Replies to such comments may be filed within ten days from the last date for filing the original comments. The Commission will consider all comments that are received before taking final action in the matter.

8. In accordance with the provisions of § 1.764 of the Commission's rules and

regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: April 8, 1953.

Released: April 9, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend § 9.172 to read as follows:

§ 9.172 *Frequency stability.* The carrier frequency of stations in the aeronautical services shall be maintained with the following percentage of the assigned frequency:

(a) All aircraft stations on frequencies above 500 kc	0.01
(b) All ground stations on frequencies above 30,000 kc	01
(c) All stations on frequencies of 500 kc or below	02
(d) Aeronautical fixed stations on frequencies from 1605 to 4000 kc. with power of 200 watts and below	.01
And with power above 200 watts	005
(e) Aeronautical fixed stations on frequencies from 4000 to 30,000 kc. with power of 500 watts and below	01
And with power above 500 watts	003
(f) All other ground stations on frequencies from 1605 to 4000 kc. with power of 200 watts and below	.01
And with power above 200 watts	005
(g) All other ground stations on frequencies from 4000 to 30,000 kc. with power of 500 watts and below	01
And with power above 500 watts	005

2. Amend § 9.446 to read as follows:

§ 9.446 *Service authorized.* Operational fixed stations in the aeronautical fixed service are authorized for link or control circuits or other aeronautical fixed operations.

[F. R. Doc. 53-3431; Filed, Apr. 17, 1953; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

FIRECRACKERS

IMPORTATION OF FROM HONG KONG AND MACAO

Notice is hereby given that the Treasury Department on the basis of information in its possession as to the availability for importation into the United States of firecrackers which are not of Communist Chinese or North Korean origin is now prepared to consider applications for licenses under the Foreign Assets Control Regulations (31 CFR 500.101–500.808) for the importation during the last six months of 1953 of a limited quantity of firecrackers from Hong Kong and Macao.

Any person interested in importing such firecrackers may obtain additional information and license application forms from the Foreign Assets Control, Treasury Department, Washington 25, D. C.

ELTING ARNOLD,
Acting Director
Foreign Assets Control.

[F. R. Doc. 53-3360; Filed, Apr. 17, 1953; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Las Cruces 063530]

NEW MEXICO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM RIO GRANDE PROJECT

APRIL 15, 1953.

An order of the Bureau of Reclamation dated May 3, 1949, concurred in by the Assistant Director, Bureau of Land Management, May 26, 1950, revoked the Departmental order of March 26, 1908, so far as it withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388) the following described land in connection with the Rio Grande Project, New Mexico, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

NEW MEXICO PRINCIPAL MERIDIAN

T. 14 S., R. 4 W.,
Sec. 7, that part of the SW¼SW¼ lying west of U. S. Highway No. 85 described as follows:
Beginning at the southwest corner of Section 7, T. 14 S., R. 4 W., N. M. P. M., New Mexico, thence by metes and bounds,
N. 0° 06' E., 1323.63 feet to the northwest corner of the SW¼SW¼ of Section 7,
East 367.90 feet to the west right-of-way line of U. S. Highway No. 85, thence along said right-of-way line,
S. 7° 31' E., 894.83 feet,
S. 6° 28' E., 100.00 feet,
S. 4° 25' E., 100.00 feet,
S. 2° 22' E., 100.00 feet,
S. 0° 51' E., 100.00 feet,
S. 1° 47' W., 37.99 feet to the south boundary of Section 7;
West 510.80 feet to the point of beginning.

The area of the above-described tract contains 13.75 acres.

This land shall not become subject to the initiation of any rights or to any disposition under the public-land laws until it is so provided, after completion of survey, by an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, with a 91-day preference-right period for filing such applications by veterans of World War II and others entitled to preference.

WILLIAM PINCUS,
Assistant Director

[F. R. Doc. 53-3355; Filed, Apr. 17, 1953; 8:45 a. m.]

Bureau of Reclamation

[No. 46]

ORLAND PROJECT, CALIFORNIA

PUBLIC NOTICE ANNOUNCING CHANGE OF LIMITATION ON AMOUNT OF LAND ELIGIBLE FOR WATER

The Public Notice issued May 24, 1916, is hereby amended to delete paragraph 2 thereof and substitute in lieu thereof the following:

2. The maximum limit of area for which water-right application may be made for lands in private ownership on the Orland Project shall be 160 acres of irrigable land for each landowner. Water-right applications must be made at the Office of the Bureau of Reclamation, Orland, California.

FRED G. AANDAHL,
Assistant Secretary of the Interior

APRIL 8, 1953.

[F. R. Doc. 53-3357; Filed, Apr. 17, 1953; 8:57 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

ASHLAND SALES CO.

DEPOSTING OF STOCKYARD

It has been ascertained that the Ashland Sales Company, Ashland, Kansas, originally posted on April 12, 1950, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.) no longer comes within the definition of a stockyard under that act for the reason that it no longer meets the area requirements. Accordingly, notice is given to the owner thereof and to the public that such livestock market is no longer subject to the provisions of the act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not deposting promptly a livestock market which no longer meets the area requirements of the act and is, therefore, no longer a stockyard within the definition contained in the act.

The foregoing is in the nature of a rule granting an exemption or relieving a re-

striction and, therefore, may be made effective in less than 30 days after the publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 15th day of April 1953.

[SEAL] H. E. REED,
Director Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 53-3457; Filed, Apr. 17, 1953; 8:56 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6036]

LEAVENS BROS. AIR SERVICES, LTD., IRREGULAR SERVICE BETWEEN CANADA AND UNITED STATES

NOTICE OF HEARING

In the matter of the application of Leavens Bros. Air Services, Limited, under section 402 of the Civil Aeronautics Act of 1938, as amended, for authorization to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on April 21, 1953, at 10:00 a. m., e. s. t., in Room 2045, Temporary Building No. 4, Seventeenth Street, south of Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., April 15, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-3449; Filed, Apr. 17, 1953; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10453]

ASSIGNMENT OF CLASS II STANDARD BROADCAST STATIONS

PUBLIC NOTICE OF PROPOSED AGREEMENT

In re proposed agreement between United States and Canada respecting assignment of Class II standard broadcast stations to clear channels; Docket No. 10453.

During the past year the United States has had occasion to protest against a number of AM station assignments made by the Canadian Government because of potential interference to United States stations. The Canadian Government has taken steps looking towards corrective action. Similarly the Canadian Government has had reason to protest certain assignments made by the United States and, for the most part, satisfactory solutions have been found. However, there remains outstanding certain protests of the Canadian Government directed at assignments made in the United States on clear channels upon which Canada has Class I-A stations. At present the United States has approximately 140 such assignments and there are now pending approximately 40 applications for new assignments of this nature.[1]

At the request of the Canadian Government, conferences between United States and Canadian officials were held on February 23 and 24, 1952, to discuss the problems involved. The Canadian conferees expressed particular concern that in a number of cases Class II stations have been assigned in the United States on Canadian I-A channels, with daytime power at, or near, the maximum permitted, in some instances with antennas directing much of this power northward from locations comparatively close to the Canadian border. Such assignments were indicated by the Canadian conferees to be producing skywave interference which they considered to be serious to the groundwave service of clear channel stations in Canada in the hours of the early morning and late afternoon, particularly during the winter months, when the sunrise to sunset periods at the more northerly latitudes of the Canadian stations are considerably shorter than the hours of daytime operation of Class II stations in the United States.

As a result of the conferences held it was made clear that any proposal aimed at the virtual elimination of such interference would be so restrictive as to be wholly impracticable. The Commission now has received from the Canadian Administration a further proposal for an agreement, the terms of which would be intended to provide some measure of relief for Canada with a very limited effect on stations and applicants in the United States.

The agreement now proposed by Canada would be reciprocal in nature, providing the same type and degree of protection from Canadian Class II stations for Class I-A stations in the United States as would be afforded Canadian Class I-A stations from Class II stations in this country. The Commission is presently of the opinion that the reciprocal benefits that will be provided by such an agreement and the circumstances set forth above make acceptance of this agreement in the public interest.[2] It therefore proposes to recommend to the Department of State that appropriate steps be taken toward this end. The Commission's action in this matter involves a foreign affairs function within the meaning of section 4 of the Administrative Procedures Act, and therefore does not require the usual rule making procedure prescribed in that act. Nevertheless, the Commission will consider comments by interested parties filed on or before May 1, 1953. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all comments submitted shall be furnished the Commission.

Adopted: April 8, 1953.

Released: April 13, 1953.

[SEAL] T. J. SLOWIE,
Secretary.

Substance of proposed additional agreement between the United States and Canada with respect to use of I-A channels:

(1) A Class II station assigned in either country on a channel on which the other country enjoys I-A priority under the NARBA may not radiate toward the common border an unattenuated field having an intensity greater than that indicated on a graph, described in (3) below, during the following periods:

(a) Beginning at local sunrise at the location of the Class II station and ending one and one-half hours after the time of sunrise at the geographical midpoint between the Class II station and the nearest station on the channel in the country having I-A priority.

(b) Beginning one and one-half hours before the time of sunset at the geographical midpoint between the Class II station and the nearest station on the channel in the country having I-A priority, and ending at local sunset at the location of the Class II station.

(2) These periods are established for each month on the basis of sunrise and sunset times for the fifteenth day of that month, adjusted to the nearest quarter-hour points.

(3) During the periods defined above, the maximum permissible radiation from a Class II station toward any point on the common border will be determined by the distance of the station from the nearest point on that border, in accordance with a graph described below:

(a) The two coordinates of the linear graph are:

(1) Distance from the nearest point of the border in miles.

(2) Maximum permissible radiation toward any point on the border in millivolts per meter at one mile.

(b) A straight line, drawn through points having coordinates of zero radiation—200 miles, and 400 millivolts per meter at one mile radiation—650 miles, indicates the maximum permissible

[1] Under the terms of the North American Regional Broadcasting Agreement (NARBA), Havana, 1937, as reflected in § 3.25 (c) of the Commission's rules, Class II stations with powers up to 50 kilowatts can be assigned in the United States on channels allocated to Canada for I-A use, provided such assignments do not produce more than 5 microvolts per meter groundwave, or more than 25 microvolts per meter 10 percent skywave on the Canadian border. Unlimited time stations must, furthermore, be located at least 650 miles from the border. The provisions of the NARBA, Washington, D. C., 1950, affecting such assignments are identical. Equivalent use by Canada can be made under both old and new agreements of channels on which the United States is accorded I-A priority.

[2] This view, based upon international considerations, is not to be confused with the question whether the rules and regulations of the Commission should be modified for domestic purposes because of information now available concerning the effects of daytime skywave propagation at Standard Broadcast frequencies. This matter is the subject of a proceeding concerning daytime skywave transmissions of Standard Broadcast Station and is involved with the pending clear channel proceeding (Dockets 8333 and 6741 respectively).

radiation for a station at any given distance from the border.

The effect of this agreement on existing and proposed stations in this country on Canadian I–A channels would be as follows:

(1) With one exception, to be considered separately, no existing station need modify its present authorized conditions of operation to conform to these requirements.

(2) Applications for new facilities or changes in existing facilities may be granted if they satisfy the above criteria, in addition to other requirements for such stations.

(3) An application not meeting the above criteria, will be referred to the Canadian Government for comment. If that Government finds no serious problem presented by the application on the basis of present or projected use by Canada of its I–A channel and so advises the United States, the application will not be considered ineligible for grant under the provisions of the agreement here involved.

[F. R. Doc. 53-3435; Filed, Apr. 17, 1953; 8:53 a. m.]

[Docket Nos. 10272, 10273]

BRUSH-MOORE NEWSPAPERS, INC., AND STARK TELECASTING CORP.

ORDER CONTINUING HEARING

In re applications of, The Brush-Moore Newspapers, Inc., Canton, Ohio, Docket No. 10272, File No. BPCT–264; Stark Telecasting Corporation, Canton, Ohio, Docket No. 10273, File No. BPCT–949; for construction permits for new television stations.

The Commission having under consideration a petition filed April 1, 1953, by The Brush-Moore Newspapers, Inc., Canton, Ohio, requesting a continuance of the hearing in the above-entitled proceeding now scheduled to be held in Washington, D. C., on April 15, 1953, "indefinitely, without date, or, in the alternative, until 30 days following such time as the Commission shall rule upon a 'Joint Petition for the Assignment of an Additional UHF Channel to Canton, Ohio' to be filed by the parties herein on or about June 2, 1953" and the oral argument on said petition held April 7, 1953, before, and at the request of, the undersigned Hearing Examiner; and

It appearing that on January 23, 1953, the Commission, having before it the joint petition of The Brush-Moore Newspapers, Inc., and Stark Telecasting Corporation requesting the assignment of an additional UHF channel to Canton, Ohio, supported by an affidavit of a qualified radio engineer showing that after a detailed study of the remaining television broadcast channels, three additional channel assignments (71, 77 and 83) could be provided for Canton, Ohio, in full compliance with the requirements of the Commission's rules establishing minimum mileage separations to avoid the effects of the various types of interference, denied the same on the basis that such request may not be considered during the one-year waiting period prescribed by § 3.609 of the Commission's rules and regulations and without considering the merits of said petition; and[1]

It appearing that in consideration of the foregoing, the parties herein, upon expiration of the one-year waiting period, will again renew their request for the assignment of an additional UHF channel to the City of Canton, Ohio; that said one-year waiting period expires about 45 days from April 15, 1953, when the comparative hearing in the above-entitled proceeding is now scheduled to commence; that the assignment of an additional channel to Canton might obviate the necessity for a comparative hearing herein, and that in this situation the commencement of the hearing in this proceeding on the date presently scheduled would not conduce to the dispatch of the Commission's business and might involve the parties in needless expense; and

It appearing further that Stark Telecasting Corporation has consented to a grant of said petition, and the Chief, Broadcast Bureau of the Commission has interposed no objection thereto;

Therefore, it is ordered, This 7th day of April 1953, that the petition of The Brush-Moore Newspapers, Inc., Canton, Ohio, for continuance is granted, and the hearing in the above-entitled proceeding now scheduled for Wednesday, April 15, 1953, in Washington, D. C., is hereby continued without date and until further order of the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-3436; Filed, Apr. 17, 1953; 8:53 a. m.]

[Docket Nos. 10388, 10390, 10391, 10443]

PAGE BOY, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Page Boy, Inc., New York, New York, Docket No. 10388, File No. 1142–C2–P–52; Vale Corporation, Inc., Newark, New Jersey, Docket No. 10390, File No. 192–C2–P–53; New York Technical Institute of Cincinnati, Inc., North Bergen, New Jersey, Docket No. 10391, File No. 224–C2–P–53; Abraham Klein, New York, New York, Docket No. 10443, File No. 938–C2–P–53; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

The Commission having under consideration the motion of its Common Carrier Bureau, filed April 3, 1953, that hearings in the above entitled proceeding, which are presently scheduled to commence on April 13, 1953, be continued for thirty days;

It appearing, that Radio-Phone Company, Inc., Bridgeport, Connecticut, has made application for a permit to establish facilities similar to those involved herein, that because of probable interference between the Bridgeport proposal and the stations sought to be constructed and operated in New York City and in Newark and North Bergen, New Jersey, it is appropriate to join the Bridgeport application in this consolidated proceeding, that on March 11, 1953, pursuant to section 309 (b) of the Communications Act of 1934, as amended, Radio-Phone Company, Inc., was so notified and was allowed the 30-day statutory period within which to make reply, and that it will be impracticable to designate the Bridgeport application for hearing in time for the April 13 hearing date;

It appearing further, that the motion states good and sufficient cause and that all parties to the proceeding consent to the granting thereof:

Accordingly, it is ordered, This 8th day of April 1953, that the motion is granted, and that the commencement of hearings in the above entitled proceeding is continued to May 13, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-3437; Filed, Apr. 17, 1953; 8:53 a. m.]

[Docket Nos. 10388, 10390, 10391, 10443, 10455]

PAGE BOY, INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Page Boy, Inc., New York, New York, Docket No. 10388, File No. 1142–C2–P–52; Vale Corporation, Inc., Newark, New Jersey, Docket No. 10390, File No. 197–C2–P–53; New York Technical Institute of Cincinnati, Inc., North Bergen, New Jersey, Docket No. 10391, File No. 224–C2–P–53; Abraham Klein, New York, New York, Docket No. 10443, File No. 938–C2–P–53; Radiophone Company, Inc., Bridgeport, Connecticut, Docket No. 10455, File No. 578–C2–P–53; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service,

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 13th day of April 1953;

The Commission, having under consideration its orders of February 4 and March 25, 1953 designating for hearing the above-entitled applications in Dockets Nos. 10388, 10390, 10391 and 10443; and also having under consideration the above-entitled application of Radio-Phone Company, Inc., and

It appearing, that the application of Radio-Phone Company, Inc., requests the same frequency as the other applications herein for use in the same geographical area, and that objectionable mutual electrical interference may result from co-channel operation of the proposed station of Radio-Phone Company, Inc. and some or all of the other stations proposed herein; and

It further appearing, that the Commission has transmitted a notice dated March 11, 1953, to Radio-Phone Company, Inc., pursuant to the provisions of section 309 (b) of the Communications

[1] 8 Pike and Fischer R. R. 850 (1953).

Act of 1934, as amended, and that no reply to that notice has been received;

It is ordered, That the application of Radio-Phone Company, Inc. is designated for hearing in a consolidated proceeding with the other applications herein, to be held at the Commission's offices in Washington, D. C. on May 13, 1953, on the issues specified in the Commission's order of February 4, 1953, herein; *Provided, however*, That Issue No. 2 in said order is amended to include Radio-Phone Company, Inc.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-3438; Filed, Apr. 17, 1953; 8:53 a. m.]

[Docket Nos. 10445, 10446]

SALINAS BROADCASTING CORP. AND MONTEREY RADIO-TELEVISION CO.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATIONS FOR HEARING

In re application of Salinas Broadcasting Corporation, Salinas, California, Docket No. 10445, File No. BPCT-1222; The Monterey Radio-Television Company, Monterey, California, Docket No. 10446, File No. BPCT-1225; for construction permits for new television broadcast stations.

1. The Commission has before it for consideration (a) a protest filed on March 23, 1953, pursuant to section 309 (c) of the Communications Act, as amended, by S. A. Cisler, Jr. and Grant R. Wrathall, d/b as Salinas-Monterey Television Company, permittee of television broadcast Station KICU, Salinas, California, directed against the Commission's action of February 18, 1953, granting without a hearing the above-entitled applications; (b) a "Motion to Strike 'Letter of Protest' of S. A. Cisler, Jr. and Grant R. Wrathall, d/b as Salinas-Monterey Television Co." filed on March 31, 1953, by Monterey Radio-Television Company and (c) a "Motion to Strike Protest," filed on April 1, 1953, by Salinas Broadcasting Corporation. Set forth below, as "Appendix A" is a copy of section 309 (c) of the Communications Act.

2. An examination of the relevant facts leading to the protested action is pertinent here. Prior to February 6, 1953, the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 8 in the Salinas-Monterey, California area, were mutually exclusive and were the only applications on file for that channel. On February 6, 1953, each of the above-named applicants filed an amendment to its application which requested permission to share time with one another on Channel 8, and proposed the sharing of the cost and use of the same transmission facilities. The Commission, on February 11, 1953, released a Public Notice (Report No. 4447) which advised, among other things, that the above-mentioned amendments had been accepted for filing. On February 18, 1953, the Commission granted the above-entitled applications, both to operate on Channel 8 on a share-time basis and, on February 19, 1953, released a Public Notice (Report No. 2182) advising, among other things, that the above-entitled applications had been granted.

3. In support of their protest, protestants assert that they are parties in interest within the meaning of section 309 (c) of the Communications Act "inasmuch as the proposed combination as granted by the Commission will result in unfair competition and an impossible situation * * * in sales rates and availability of network programs." It is further asserted that, through various connections, Salinas Broadcasting Corporation will be able to affiliate with NBC Television Network and The Monterey Radio-Television Company will be able to affiliate with the CBS Network thus "tying up network programs making it impossible for Station KICU to obtain a source of programs to broadcast to these communities"; that these applicants have announced publicly that they intend to carry programs of all four major television networks; that the above-named applicants will share the cost of acquiring, construction and maintaining one transmitter and antenna plant, while protestants alone must construct and operate a complete station; that these applicants are two powerful companies which will "effectively monopolize the economic support for television in the Salinas-Monterey area and also monopolize the available network programs" to the economic detriment of protestants; that protestants had no knowledge or information that a share-time arrangement was contemplated on Channel 8 and the protestants were not given an opportunity to study the proposed share-time arrangement before the grants were made; that protestants relied on § 3.651[1] of the Commission's Rules pertaining to time of operation and had a right to rely thereon; and that the public will suffer as a result of the "jumble of network programs" on Channel 8 and the lack of network programs on KICU. Protestants request that the Commission reconsider its action of February 18, 1953, in granting the above-entitled applications without hearing, and designate these applications for hearing, with protestants named as a party respondent "to present not only the grievances of the partnership, which are economic in nature, supported by the Sanders case, but also to prevent the grievous injustice to the public" which may result.

4. In its motion to strike protestants' letter of protest, Monterey Radio-Television Company urges that the protest was not timely filed in that section 309 (c) requires a protest to be filed within 30 days of the date of the grant being protested and that the instant protest was not filed until the thirty-third day after the grant of the above-entitled applications. It is asserted that "the requirement that any protest be filed within thirty days of the date of the grant is mandatory and it is not within the province of the Commission to extend the time. See, Walker v. Hazen, 90 Fed. 2d. 502, 67 App. D. C. 188, Cert. Denied 58 S. Ct. 44." It is also urged that since protestants filed only one copy of their protest with the Commission, instead of the fifteen copies required by §§ 1.743 and 1.764 of the Commission's rules, their failure to abide by the Rules requires that the Commission strike their letter of protest.

5. Salinas Broadcasting Corporation, in support of its motion to strike the instant protest, asserts that the protest was filed late since it was not filed within 30 days of the grant of the above-entitled applications. It is further asserted that even if the thirty day period begins with the date of the Public Notice, February 19, 1953, announcing the grants, the protest is not timely for then the thirtieth day fell on March 21, 1953, a Saturday, and "the fact that the Commission was closed on that day does not extend the time period for the filing of the protest." Salinas cites the case of Walker v. Hazen, 90 F. 2d. 502, for the proposition that "it is a clear rule of construction that where a statute such as this (Section 309 (c) of the Communications Act) does not provide for the exclusion of Sundays or holidays in the computation of time, those dates must be counted within the time limit fixed by statute." Salinas urges that protestants are not parties in interest since they are not "operating under an existing license" or a "licensee of a station" and that since "the Sanders case involved an existing station that was actually in business" protestants' interest as a permittee of a television station which is not yet in operation is too remote. Finally, Salinas urges that protestants' statement that the share time grants will make it impossible for Station KICU to obtain a source of programs to broadcast is without credence; and that, contrary to the protestants' inference, share time grants are authorized by § 3.622 of the Commission's rules.[2]

6. In light of the fact that protestants are permittees of a television broadcast station in the Salinas-Monterey area, that the stations proposed by the above-entitled share-time permittees will be in direct competition with that of protestants, and that protestants have alleged that economic injury will result from the grants complained of, we are of the view that protestants are parties in interest within the meaning of section 309 (c) of the Communications Act. Sanders v. Federal Communications Commission, 309 U. S. 470. See, In re Application of Versluis Radio and Television, Inc. (FCC 53-314) adopted March 23, 1953; In re Application of

[1] Section 3.651 (a) provides in part that "all television broadcast stations will be licensed for unlimited time operation."

[2] Section 3.622 provides as follows: "Applications for television stations. Applications for new stations or for modifications of existing authorizations shall be filed on FCC Form 301; for licenses, on FCC Form 302; for renewal of licenses, on FCC Form 303. Separate applications shall be filed by each applicant for the voluntary sharing of television channels. Such applications shall be accompanied by copies of the time-sharing agreements under which the applicants propose to operate."

WHEC, Inc., (FCC 53-384) adopted April 1, 1953. We reject the narrow view advanced that the Sanders case excludes permittees of broadcast stations and is limited to those who are "operating under an existing license" or who may be a "licensee of a station."

7. We must also reject, as being without merit, the contentions that the instant protest was not timely filed. Section 309 (c) provides in pertinent part "When any instrument of authorization is granted by the Commission without a hearing as provided in subsection (a) hereof, such grant shall remain subject to protest as hereinafter provided for a period of thirty days." We do not interpret this provision to mean that the thirty day period for the filing of a protest is to be computed from the day of the Commission's action granting an authorization. Rather, we believe that the computation of the thirty day period should begin with the date on which the Commission releases its Public Notice of the action taken. We think this interpretation to be consistent with what Congress must have intended, for under this interpretation, parties are accorded the full thirty day statutory period whereas in computing time from the date of action, parties may be deprived of the full thirty day period since there is, on occasion, a lapse of time between the date of action and the date on which public notice thereof is released. Accordingly, computing the thirty day period from the date of our Public Notice, February 19, 1953, we find that the 30-day period expired on Saturday, March 21, 1953, a day on which our offices were closed. Protestants filed their protest with the Commission on Monday, March 23, 1953, the next business day after March 21, 1953, on which our offices were open.

8. Salinas and Monterey assert, in effect, that the 30-day statutory period, since it does not by its terms exclude Sundays or holidays in the computation of time, precludes extension of filing to the next business day even though said 30-day period expires on a day when the Commission's offices are closed. In support of this proposition, Salinas and Monterey cite the case of Walker v. Hazen, 90 F 2d 502, 67 App. D. C. 188 (1937) Cert. Denied 302 U. S. 723. That case concerned a judicial proceeding, decided before the adoption of the Federal Rules of Civil Procedure.[3] This question was before us in the case of In re Application of West Allis Broadcasting Company, 4 R. R. 296 (1948) when we considered the Walker case and cases holding a contrary view, and concluded that where the last day of a twenty-day period for filing a petition for rehearing is a Sunday, the period is automatically extended to the next business day. The correctness of this conclusion was confirmed the following year by the Supreme Court of the United States in the case of Union Nat. Bank of Wichita, Kansas v. Lamb, 337 U. S. 38, 69 S. Ct. 911, 93 L. Ed. 1190 (1949) rehearing and modification denied 337 U. S. 928, involving a judicial proceeding wherein the expiration date of a 90 day statutory period fell on a Sunday. The court there held that an appeal taken on the following day was timely. The court stated, "There is contrariety of views whether an act which by statute is required to be done within a stated period may be done a day later when the last day of the period falls on Sunday (citing cases) * * * That rule (Rule 6 (a) of the Federal Rules of Civil Procedure) provides the method for computation of time prescribed or allowed not only by the rules or by order of court but by 'any applicable statute. Since the rule had the concurrence of Congress, and since no contrary policy is expressed in the statute governing this review, we think that the considerations of liberality and leniency which find expression in Rule 6 (a) are equally applicable to 28 U. S. C. section 2101 (c) 28 U. S. C. section 2101 (c) (which reduced a statutory period from three months to 90 days) The appeal therefore did not fail for lack of timeliness." We are of the opinion that this reasoning applies with equal force to the case now before us, especially in the light of § 1.703[4] of our rules which is similar in nature to Rule 6 (a) of the Federal Rules of Civil Procedure. We are of the view, therefore, that the instant protest was timely filed.

9. There remains for our consideration the assertion that since only one copy of the instant protest was filed with the Commission and since §§ 1.748 and 1.764 of our rules require the filing of 15 copies, this failure of protestants to abide by the rules requires us to strike the protest. It is to be noted that protestants mailed a copy of their protest to each of the above-entitled permittees. We do not think, therefore, that even if it is assumed that §§ 1.748 and 1.764 of our rules are applicable, that the failure to file 15 copies of the protest makes it fatally defective. Certainly, the above-entitled permittees have not been prejudiced by the alleged omission.

10. Accordingly, in view of the foregoing: *It is ordered,* That, effective immediately, the effective date of the grants of the above-entitled applications is postponed pending final determination by the Commission of the protest of S. A. Cisler, Jr. and Grant R. Wrathall, d/b as Salinas-Monterey Television Company, and that, pursuant to the provisions of section 309 (c) of the Communications Act, as amended, said applications of Salinas Broadcasting Company and Monterey Radio-Television Company are designated for hearing at a time and place, and upon appropriate issues, to be designated by further order of the Commission.

Adopted: April 7, 1953.

Released: April 8, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

APPENDIX A

Section 309 (c). When any instrument of authorization is granted by the Commission without a hearing as provided in subsection (a) hereof, such grant shall remain subject to protest as hereinafter provided for a period of thirty days. During such thirty-day period any party in interest may file a protest under oath directed to such grant and request a hearing on said application so granted. Any protest so filed shall contain such allegations of fact as will show the protestant to be a party in interest and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. The Commission shall, within fifteen days from the date of the filing of such protest, enter findings as to whether such protest meets the foregoing requirements and if it so finds the application involved shall be set for hearing upon the issues set forth in said protest, together with such further specific issues, if any, as may be prescribed by the Commission. In any hearing subsequently held upon such application all issues specified by the Commission shall be tried in the same manner provided in subsection (b) hereof, but with respect to all issues set forth in the protest and not specifically adopted by the Commission, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the protestant. The hearing and determination of cases arising under this subsection shall be expedited by the Commission and pending hearing and decision the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

[F. R. Doc. 53-3439; Filed, Apr. 17, 1953; 8:54 a. m.]

[Docket No. 10449]

ALASKA BROADCASTING CO. (KTKN)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of William J. Wagner, tr/as Alaska Broadcasting Company

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[3] Rule 6 (a) of the Federal Rules of Civil Procedure provides as follows: "In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor a holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Sundays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday."

[4] Section 1.703 reads as follows: "In computing any period of time prescribed or allowed by the Commission's Rules or by order of the Commission the day of the act, event, or default, after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Sunday or a legal holiday or a Saturday on which the Commission's offices are not open, in which event the period runs until the end of the next day which is not a Sunday, holiday; or Saturday on which the Commission's offices are not open. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday."

(KTKN) Ketchikan, Alaska, Docket No. 10449, File No. BP-3463; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of April 1953;

The Commission having under consideration the above-entitled application of the Alaska Broadcasting Company, licensee of Radio Station KTKN for a construction permit to increase daytime power to 5 kilowatts and to install a new transmitter; and

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station KTKN as proposed but that the proposed operation may deprive Station KABI, Ketchikan, Alaska, of potential listeners because of an excessive blanket signal from the proposed KTKN operation and that the proposed operation may not comply with the Standards of Good Engineering Practice; particularly with reference to the excessively high percentage of population residing within the 250 mv/m and 500 mv/m contours; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the Commission notified the applicant of the foregoing deficiencies, by letter dated December 4, 1952, and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that on February 3, 1953, in reply to the Commission's letter of December 4, 1952, the applicant reiterated the same reasons as justification therefor as were contained in the original application; and

It further appearing, that on February 27, 1953, Aurora Broadcasters, Inc., licensee of Station KABI, Ketchikan, Alaska, filed an opposition to a grant of the above-entitled application; that KTKN was served with a copy of KABI's opposition; that on March 11, 1953, KTKN filed a reply to the KABI opposition; and that KABI was served with a copy of KTKN's reply; and

It further appearing, that after consideration of all pleadings submitted, the Commission is still unable to find that a grant would be in the public interest;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the availability of other primary service to such areas and populations.

2. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to excessive population residing within the blanket area of the proposed operation.

It is further ordered, That, Aurora Broadcasters, Inc., licensee of Station KABI, Ketchikan, Alaska, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-3440; Filed, Apr. 17, 1953; 8:54 a. m.]

[Docket Nos. 10450, 10451]

FRANKLIN COUNTY BROADCASTING CO. AND EDWARDSVILLE BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARINGS ON STATED ISSUES

In re applications of Leslie P. Ware tr/as Franklin County Broadcasting Company, Washington, Missouri, Docket No. 10450, File No. BP-8241, John W. Lewis and Melvin B. Ingram, Jr. d/b as Edwardsville Broadcasting Company, Edwardsville, Illinois, Docket No. 10451, File No. BP-8663; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of April, 1953;

The Commission having under consideration the above-entitled applications for construction permits for new standard broadcast stations to operate on 1260 kilocycles using powers of 500 watts and one kilowatt at Washington, Missouri and Edwardsville, Illinois, respectively;

It appearing, that the applicants are legally, financially, technically and otherwise qualified to operate the proposed stations, but that the operation of both stations as proposed would result in mutually prohibitive interference with each other and that the application of the Edwardsville Broadcasting Company may otherwise not comply with the provisions of § 3.35 of the Commission rules and regulations; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated December 23, 1952, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that neither of the applicants has replied to the Commission's letters;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding at a time and place to be later specified, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the availability of other primary service to such areas and populations.

2. To determine whether a grant of the Edwardsville Broadcasting Company application would be in contravention of the provisions of § 3.35 of the Commission rules and regulations.

3. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants having a bearing on his ability to own and operate the proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-3441; Filed, Apr. 17, 1953; 8:55 a. m.]

[Docket No. 10452]

T. E. ALLEN & SONS, INC.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING

In re application of T. E. Allen & Sons, Inc., Durham, North Carolina, Docket No. 10452, File No. BPCT-1532; for a construction permit for a new television broadcast station.

1. The Commission has before it (a) a "Protest by Applicant Public Information Corporation" filed on March 24, 1953, pursuant to section 309 (c) of the Communications Act of 1934, as amended, directed against the Commission's action of February 25, 1953, granting without a hearing the above-entitled application of T. E. Allen & Sons, Inc. (hereinafter referred to as Allen) for a construction permit for a new television broadcast station to operate on Channel 46 in Durham, North Carolina; (b) a "Response to Protest" filed March 31, 1953, by T. E. Allen & Sons, Inc., and (c) a "Statement of Chief, Broadcast Bureau Concerning 'Protest by Applicant Public Information Corporation'" filed March 31, 1953. Set forth below as "Appendix A" is a copy of section 309 (c) of the Communications Act of 1934, as amended.

2. In light of the fact that the protest alleges that protestant is the licensee of a standard broadcast station in Durham, North Carolina, the very community for which the construction permit was granted, we are of the view that it is a party in interest within the meaning of section 309 (c). It is true that the protest does not contain an affirmative allegation of economic injury, but we believe that a reasonable inference of probable economic injury flows from the allegation as to the protestant's status. Sanders v. Federal Communications Commission, 309 U. S. 470; In re Applications of WHEC, Inc., and Veterans Broadcasting Company, Inc. (FCC 53-384) adopted April 1, 1953; In re Appli-

cation of Versluis Radio and Television, Inc. (FCC–53–314) adopted March 23, 1953. This finding as to protestant's standing is based solely on its allegation that it is a standard broadcast station licensee and not on any other allegation in its protest.

3. Protestant contends that, since its application for Channel 46 was before the Commission when it considered the Allen application, it was entitled to comparative consideration therewith; that the grant to Allen should be set aside; and that both applications should be designated for hearing. § 1.382 (b) of our rules renders this contention untenable.[1] Allen received its grant on February 25, 1953. Protestant's application, in order to be entitled to comparative consideration, was required, under the provisions of said rule, to be substantially complete and on file by February 24, 1953. It was not filed, however, until February 25, 1953. The Commission's knowledge of the existence of a tendered application by protestant did not have the effect of changing or deleting the rule. Accordingly, on February 25, 1953, protestant had no right to have its application considered with the application of Allen and it sustained no legal prejudice as the result of the Commission's consideration and grant of the Allen application. Further, protestant's reference to § 1.703 of the rules is without merit since that section is a procedural provision dealing generally with computations of time whereas § 1.382 (b) was promulgated specifically to take care of situations such as the one before us.

4. We have found that the protestant has standing as a party in interest. Although it has not framed specific issues, we believe that it has alleged facts on which issues may be drawn. Accordingly it is necessary to designate the Allen application for hearing. We think, however, that when protestant requests that the Allen application and its tendered application be heard in a consolidated hearing, it misconceives the purpose and requirements of section 309 (c) As we pointed out in our memorandum opinion and order in the WHEC case, supra, section 309 (c) does not provide that a duly filed protest has the effect of vacating or setting aside the grant against which the protest is directed. On the contrary section 309 (c) specifically provides that "the effective date of the Commission's action to which protest is made shall be postponed to the effective of the Commission's decision after hearing."

5. Accordingly, in view of the foregoing: *It is ordered,* That, effective immediately, the effective date of the grant of the above-entitled application of T. E. Allen & Sons, Inc., is postponed pending final determination by the Commission of the protest of Public Information Corporation, and that, pursuant to the provisions of section 309 (c) of the Communications Act of 1934, as amended, said application of T. E. Allen & Sons, Inc., is designated for hearing at a time and place, and upon appropriate issues, to be designated by further order of the Commission.

Adopted: April 8, 1953

Released: April 10, 1953

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] T. J. SLOWIE,
Secretary.

APPENDIX A

Section 309 (c). When any instrument of authorization is granted by the Commission without a hearing as provided in subsection (a) hereof, such grant shall remain subject to protest as hereinafter provided for a period of thirty days. During such thirty-day period any party in interest may file a protest under oath directed to such grant and request a hearing on said application so granted. Any protest so filed shall contain such allegations of fact as will show the protestant to be a party in interest and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. The Commission shall, within fifteen days from the date of the filing of such protest, enter findings as to whether such protest meets the foregoing requirements and if it so finds the application involved shall be set for hearing upon the issues set forth in said protest, together with such further specific issues, if any, as may be prescribed by the Commission. In any hearing subsequently held upon such application all issues specified by the Commission shall be tried in the same manner provided in subsection (b) hereof, but with respect to all issues set forth in the protest and not specifically adopted by the Commission, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the protestant. The hearing and determination of cases arising under this subsection shall be expedited by the Commission and pending hearing and decision the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

[F. R. Doc. 53–3442; Filed, Apr. 17, 1953; 8:55 a. m.]

[Docket No. 10454]

MOUNTAIN STATES TELEPHONE AND TELEGRAPH CO.

ORDER ASSIGNING APPLICATION FOR PUBLIC HEARING

In the matter of the application of The Mountain States Telephone and Telegraph Company, Docket No. 10454, File No. P–C–3186; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire the telephone plant and property of the Project Telephone Company, Powell, Wyoming.

The Commission having under consideration an application filed by The Mountain States Telephone and Telegraph Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the acquisition by The Mountain States Telephone and Telegraph Company of the telephone plant and property of the Project Telephone Company located in and around Powell, Park County Wyoming, will be of advantage to the persons to whom service is to be rendered and in the public interest:

It is ordered, This 14th day of April 1953, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon said application be held at the offices of the Commission in Washington, D. C., beginning at 9:00 a. m. on the 7th day of May 1953, and that a copy of this order shall be served upon The Mountain States Telephone and Telegraph Company the Project Telephone Company, the Governor of the State of Wyoming, the Public Service Commission of Wyoming, and the Postmaster of Powell, Wyoming;

It is further ordered, That within five days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Powell, Wyoming and in Park County, Wyoming, and shall furnish proof of such publication at the hearing herein.

FEDERAL COMMUNICATIONS COMMUNICATION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53–3443; Filed, Apr. 17, 1953; 8:55 a. m.]

INDUSTRIAL HEATERS

OPERATION OF EQUIPMENT

APRIL 9, 1953.

The attention of operators of electronic industrial heaters is called to the provisions of Part 18 of the Federal Communications Commission's rules and regulations Governing the Industrial, Scientific and Medical Services which require that such equipment must be adjusted to guard against interference by June 30, 1953.

This applies to electronic heaters used in drying, sealing, gluing, moulding, etc., in the manufacture of plastics, wood products, clothing, and for other industrial heating purposes.

The requirements, among other things, specify that industrial heating equipment must be operated with suffi-

[1] Section 1.382 (b) reads as follows: "In making its determinations pursuant to the provisions of paragraph (a) of this section, the Commission will not consider any other application as being mutually exclusive with the application under consideration unless such other application was substantially complete and was tendered for filing with the Commission not later than the close of business on the day preceding the day on which the Commission takes action with respect to the application under consideration."

[2] Commissioners Hyde and Bartley dissenting.

cient shielding and filtering to prevent interference to authorized radio communication services, and that radiation outside of the I. S. M. bands from such heaters shall not exceed 10 microvolts per meter at one mile or more distance from the heater. A certificate issued by a competent engineer must be associated with such equipment, attesting that it may be reasonably expected to be in compliance for a period of at least three years. The equipment and certificate must be available for inspection by representatives of the Commission.

After June 30, 1953, the operation of any industrial heating equipment, including equipment manufactured prior to June 30, 1948, which does not comply with all of the requirements of Part 18 of the Commission's rules will constitute a violation of law.

Part 18 of the rules and regulations may be purchased from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., for five cents a copy.

Adopted: April 8, 1953.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 53-3444; Filed, Apr. 17, 1953; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2138]

KANSAS-COLORADO UTILITIES, INC.

NOTICE OF APPLICATION

APRIL 14, 1953.

Take notice that Kansas-Colorado Utilities, Inc. (Applicant) a Kansas corporation, address, Lamar, Colorado, filed on March 20, 1953, an application for an order pursuant to section 7 (a) of the Natural Gas Act, directing Colorado Interstate Gas Company (Colorado Interstate) to establish physical connection of its transportation facilities with the facilities of Applicant, and to sell to Applicant up to 5,000 Mcf per day of natural gas during the months of May, June, July, August, September, and October of each year, beginning May 1, 1953.

Applicant states that due to proration policies in the State of Kansas affecting the allowable volumes which Applicant may take from the Hugoton Gas Field, inadequacy of Applicant's transportation facilities, and to the high consumption of natural gas by alfalfa dehydrating mills served by Applicant, it faces a shortage of natural gas during the hay mill season. Applicant proposes the establishment of a connection of its facilities with those of Colorado Interstate near McClave, Colorado, and proposes to utilize gas delivered into its facilities at that point to supplement its existing natural gas supplies for service to present markets only, to avoid shortages during the summer season.

No additional facilities are proposed by Applicant to utilize the additional gas supply which it seeks, and Applicant states that no undue burden will be placed upon Colorado Interstate nor will the ability of Colorado Interstate to render adequate service to its existing customers be impaired by the sale of natural gas proposed by Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.10 or 1.8), on or before the 4th day of May 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-3361; Filed, Apr. 17, 1953; 8:46 a. m.]

[Docket No. G-2143]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

APRIL 14, 1953.

Take notice that New York State Natural Gas Corporation (Applicant) a New York corporation with its principal place of business in Pittsburgh, Pennsylvania, filed on March 31, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of an underground gas storage pool in the area referred to as Harrison Field, located in Potter and Steuben counties, New York, to be known as the Harrison Storage Pool, comprising approximately 13,000 acres, and in which there will be constructed and operated approximately 4.80 miles of 12¾-inch, 10¾-inch, 8⅝-inch and 6⅝-inch pipe line replacing existing field lines between 10 existing wells and Applicant's transmission system, together with 4 measuring stations.

Applicant proposes to convert the field known as Harrison Field from production to storage for the purpose of providing natural gas storage for 4,745,000 Mcf during 1953.

The estimated over-all capital cost of the proposed facilities to be constructed and operated is $199,900 which will be financed in part from available company funds, and in part from funds obtained through the issuance to its parent corporation, Consolidated Natural Gas Company, long term notes or stock, or both at face or par value.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 4th day of May 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-3362; Filed, Apr. 17, 1953; 8:46 a. m.]

[Docket No. G-2145]

UNITED GAS IMPROVEMENT CO.

NOTICE OF APPLICATION

APRIL 14, 1953.

Take notice that The United Gas Improvement Company (Applicant), a Pennsylvania corporation, address, Philadelphia, Pennsylvania, filed on April 1, 1953, an application for an order pursuant to section 7 (a) of the Natural Gas Act directing The Manufacturers Light and Heat Company (Manufacturers) to establish a second physical connection of its natural gas transportation facilities with the distribution mains of Applicant's Reading Division without direction to sell any additional quantities of natural gas through such connection, and a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of the lateral pipe line required to make the physical connection sought by Applicant.

Applicant states that its Reading Division's 1953–1954 requirements have been estimated at 10,600 Mcf on a maximum day, and the single existing pipe line through which Manufacturers presently delivers gas to that Division has a maximum capacity of 7,000 Mcf per day.

Applicant proposes eventually to convert its Reading Division, which now distributes 800 Btu gas, to straight natural gas service, but such conversion may not be made in time for the 1953–1954 winter period. To avoid an expenditure of approximafely $1,000,000 for additional production facilities, and another $1,000,000 for pipe-line facilities between Applicant's system and the facilities of Manufacturers, Applicant proposes to construct and operate 14 miles of 12-inch transmission pipe line from a point on Manufacturers' existing 14-inch pipe line near the Schuylkill River to the plant of its largest customer, Birdsboro Armorcast, Inc. (Armorcast) a steel company at Birdsboro, Pennsylvania. By means of said facilities, Applicant proposes to serve 3,690 Mcf per day of natural gas having a thermal equivalent of 4,800 Mcf of 800 Btu gas to Armorcast. The reduction in delivery of natural gas to Applicant's Reading Division plant resulting from such arrangement is proposed to be compensated for in any one of three ways namely: (1) receipt of additional natural gas from Manufacturers, (2) additional peak shaving at the Reading plant with the use of liquified petroleum gas, or (3) shifting of natural gas to Reading from other divisions of Applicant's system. Applicant states that the foregoing arrangement will enable it to convert to straight natural gas service in its Reading Division at a later time by installation of only a short and inexpensive tie-in pipe line, and will enable Applicant to effect an investment saving at persent estimated at $1,383,000.

The estimated total overall capital cost of the proposed facilities is approximately $617,000. The required funds for financing such proposed construction will be provided out of Applicant's general funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 4th day of May 1953. The application

is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-3363; Filed, Apr. 17, 1953; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[7-1511, 7-1512]

STANLEY WARNER CORP AND WARNER BROS. PICTURES, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of April A. D. 1953.

In the matter of application by the Los Angeles Stock Exchange for unlisted trading privileges in: Stanley Warner Corporation, Common Stock, $5 Par Value, 7-1511, Warner Bros. Pictures, Inc., Common Stock, $5 Par Value, 7-1512.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $5 Par Value, of Stanley Warner Corporation, registered and listed on the New York Stock Exchange; and the Common Stock, $5 Par Value, of Warner Bros. Pictures, Inc., registered and listed on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to May 13, 1953, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-3364; Filed, Apr. 17, 1953; 8:46 a. m.]

[File No. 31-599]

REITZ COAL CO.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

APRIL 14, 1953.

Notice is hereby given that Reitz Coal Company ("Reitz") a holding company, has filed an application and amendments thereto requesting on behalf of itself and its wholly owned subsidiaries, Rockingham Light, Heat and Power Company ("Rockingham") a public-utility company and Central City Water Company ("Central City") a non-utility company exemption from the provisions of the Public Utility Holding Company Act of 1935 ("the act") pursuant to section 3 (a) (3) (A) thereof.

Notice is further given that any interested person may, not later than April 30, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by such amended application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. Said application, as amended, may be granted at any time after April 30, 1953.

All interested persons are referred to said amended application which is on file in the offices of the Commission for a statement of the facts contained therein which are summarized as follows:

Reitz, a Pennsylvania corporation, is engaged in the mining of coal in Somerset County, Pennsylvania and in the sale of such coal throughout the United States. The company's principal office is located at Windber, Pennsylvania.

Rockingham purchases electric power from Windber Electric Company ("Windber") a public utility company which appears to be an affiliate, and Pennsylvania Electric Company a non-affiliate public utility company, and supplies electric power to Reitz for use in its coal mining operations and sells energy at retail to the community of Central City, Pennsylvania. Central City is inhabited by miners employed by Reitz and, except for a few stores, all of the electric power sold in Central City is sold to employees of Reitz.

The following table shows the gross sales of Reitz and the operating revenues of Rockingham and Central City and the net income of each such company for the 12 months ended December 31, 1951.

	Reitz	Rockingham	Central City
Gross sales or operating revenues	$4,904,086	$128,801	$15,825
Net income	238,808	5,030	2,754

The outstanding securities of Reitz consist solely of common stock, of which The Wilmore Coal Company ("Wilmore") owns approximately 41 percent. It does not appear that any other person owns as much as five percent of such stock. Charles E. Dunlap and Guaranty Trust Company of New York, as Trustees under the will of Edward J. Berwind, deceased, ("Berwind Trust") hold approximately 74 percent of the outstanding capital stock of Wilmore and Charles E. Dunlap, individually, owns approximately 25 percent of such stock. Windber, a wholly owned subsidiary of The Berwind-White Coal Mining Company ("Berwind-White"), a holding company exempt by order of this Commission pursuant to section 3 (a) (3) of the act, appears to be an affiliate of Rockingham by reason of the holdings by Berwind Trust of about 55 percent and Charles E. Dunlap of about 25 percent of the outstanding voting securities of Berwind-White.

Wilmore and Berwind Trust appear to be holding companies within the meaning of section 2 (a) (7) of the act and as a consequence of the filing of an application in good faith by Reitz for exemption pursuant to section 3 (a) (3) (A) of the act they and any other person who may be a holding company with respect to Reitz are, and if the exemption application of Reitz is granted would continue to be, automatically exempt as holding companies with respect to Reitz pursuant to the provisions of Rule U-10. Likewise, Berwind Trust and any person who may be a holding company with respect to Berwind-White are automatically exempt as holding companies with respect to Berwind-White pursuant to the provisions of Rule U-10 by virtue of Berwind-White's exemption.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-3368; Filed, Apr. 17, 1953; 8:47 a. m.]

[File Nos. 31-494, 59-15, 70-2961]

MANUFACTURERS TRUST CO. ET AL.

ORDER AUTHORIZING ACQUISITION OF SECURITIES ALLOCABLE UNDER PLAN AND TERMINATING CONDITIONS IN PRIOR ORDER; AND RELEASING JURISDICTION OVER DISTRIBUTION OF SECURITIES

APRIL 13, 1953.

In the matter of Manufacturers Trust Company File Nos. 70-2961 and 31-494; Northern New England Company, New England Public Service Company, File No. 59-15.

Manufacturers Trust Company ("Manufacturers"), a banking institution, having filed an application, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act") with respect to the following transactions:

Manufacturers owns 248,483 shares (25.9 percent) of the outstanding common stock of New England Public Service Company ("NEPSCO") a registered holding company. NEPSCO, in turn, owns 42.33 percent of the common stock of Central Maine Power Company ("Central Maine") 41.89 percent of the common stock of Public Service Company of New Hampshire ("New Hampshire"), and 30.39 percent of the common stock of Central Vermont Public Service Corporation ("Central Vermont"), all public utility companies.

On May 17, 1941, the Commission issued an order exempting Manufacturers from the provisions of the act applicable to it as a holding company by reason of its direct or indirect ownership of the voting securities of NEPSCO and subsidiary companies, except the pro-

visions of section 4 (a) (3) of the act in so far as it related to the sale or other disposition by Manufacturers of the voting securities of NEPSCO (9 S. E. C. 283). As a condition to said order, Manufacturers was prohibited from entering into any financial transaction with, or acting as financial agent for NEPSCO, or any of its subsidiaries, other than to the extent that Manufacturers was then acting as co-paying agent for Central Maine and Central Vermont. The exemption was extended by order from time to time, including an order dated December 30, 1943, which contained the same conditions as the Commission's order of May 17, 1941, and said order was modified to the extent that Manufacturers was permitted to act as paying agent for all of the bonds of Central Maine outstanding and thereafter to be issued under the company's indenture.

By order dated February 13, 1953, the Commission approved an Amended Plan of NEPSCO providing for the distribution of its portfolio stocks to the holders of its preferred and common stocks and for its liquidation and dissolution, which Amended Plan was ordered enforced by the United States District Court for the District of Maine, Southern Division, on March 25, 1953. The Commission in its said order reserved jurisdiction over the distribution of NEPSCO's portfolio stocks to Manufacturers pending disposition of this pending application.

Pursuant to the Amended Plan of NEPSCO, Manufacturers, by virtue of its ownership of 248,483 shares of common stock of NEPSCO, will be entitled to receive 47,211.77 shares (1.89 percent) of the common stock of Central Maine, 22,363.47 (1.90 percent) of the common stock of New Hampshire and 9,939.32 shares (1.30 percent) of the common stock of Central Vermont, and it requests authority to acquire such stock.

The application, as amended, states that Manufacturers does not own 10 percent or more of the voting securities of any holding company or public utility company except NEPSCO; and that it does not own 5 percent or more of the voting securities of any other public utility company or holding company. Applicant further states that, upon consummation of the NEPSCO Amended Plan, the circumstances which gave rise to the conditions in the Commission's orders of May 17, 1941, and December 30, 1943, as amended and extended, will no longer exist, and requests that such conditions be terminated.

Due notice having been given of the filing of the application, as amended, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted, effective forthwith, subject to the terms and conditions set forth below, which have been agreed to by Manufacturers:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application, as amended, of Manufacturers for authority to acquire its distributive portion of portfolio stocks under the NEPSCO Amended Plan be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and to the following additional terms and conditions: That Manufacturers shall not, without prior approval of this Commission, (a) purchase any additional voting securities of Central Maine, New Hampshire, or Central Vermont, or (b) permit any officer, director or representative of Manufacturers to become an officer, director or representative of Central Maine, New Hampshire, or Central Vermont, or have any officer, director or representatives of any of said companies as an officer, or director of Manufacturers.

It is further ordered, That the conditions imposed in the Commission orders of May 17, 1941 and December 30, 1943, as amended and extended, be, and the same hereby are, terminated.

It is further ordered, That the jurisdiction heretofore reserved in the Commission's order of February 13, 1953, in File No. 59-15, approving the NEPSCO Amended Plan with respect to the distribution of portfolio stocks to Manufacturers be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-3372; Filed, Apr. 17, 1953; 8:48 a. m.]

[File No. 70-2829]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

ORDER AUTHORIZING SALES OF ELECTRIC PROPERTIES OF EASTERN NEW YORK POWER CORPORATION AND CERTAIN PORTFOLIO SECURITIES

APRIL 13, 1953.

Bartholomew A. Brickley, Trustee of International Hydro-Electric System ("IHES"), a registered holding company, having on March 12, 1953 filed Amendment No. 3 to his application-declaration originally filed herein on March 19, 1952, pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 ("the act") and Rule U-44 thereunder, and in furtherance of the enforcement proceedings pursuant to section 11 (d) of the act now pending in the United States District Court for the District of Massachusetts ("the Court"), in which said Amendment No. 3 the Trustee purposes, as a part of the divestment program set out in said original application-declaration and tentatively approved by the Commission in its findings and opinion entered herein on June 5, 1952, to consummate the following definitive agreements of sale:

(1) Agreement dated September 24, 1952 whereby IHES will cause Eastern New York Power Corporation ("ENYP") to sell and convey to Niagara Mohawk Power Company ("Niagara Mohawk"), a non-affiliate, the Hudson River hydroelectric properties of ENYP in Warren, Saratoga and Washington counties, New York, together with certain lands and water rights of ENYP on the Grass and Black rivers, in St. Lawrence and Jefferson counties, New York, for a cash consideration of $8,000,000;

(2) Agreement dated September 25, 1952 whereby IHES will sell, assign and transfer to Niagara Mohawk all interest of IHES in its minor subsidiaries Corinth Electric Light and Power Company ("Corinth") and Moreau Manufacturing Corporation ("Moreau"), for a cash consideration of $500,000;

(3) Agreement dated August 13, 1952, whereby IHES will cause ENYP to sell and convey to New York State Electric & Gas Corporation ("New York Electric") a non-affiliate, the Saranac Division properties of ENYP, in Franklin and Clinton counties, New York, for a cash consideration of $5,600,000.

The Trustee further proposes, upon consummation of said sales, to apply the proceeds as follows: First, to the retirement of ENYP's First Mortgage Bonds, 3¼ Percent Sinking Fund Series due 1961 (in the principal amount of $7,886,000 at December 31, 1952) secondly, either to the retirement of the preferred stock of ENYP (30,000 shares of the par value of $100 per share) or as a distribution to IHES, or both; and, as respects any amounts so received by IHES, to apply same to the payment of its debt to The Chase National Bank of the City of New York (of which the balance due on the principal account was $6,050,000 at December 31, 1952)

The Commission having issued a notice of filing of said Amendment No. 3 pursuant to Rule U-23, and the City of Plattsburg, New York ("the City") having filed a petition requesting that said matter, insofar as it relates to the sale of ENYP's Saranac Division properties, be set down for public hearing; and

The Commission having this day entered its memorandum opinion denying the City's petition and approving the consummation of said agreements of sale as proposed by the Trustee in said Amendment No. 3, subject to the further terms and conditions therein provided:

It is ordered, That the petition of the City of Plattsburgh requesting that this matter be set down for further hearing be, and the same hereby is, denied.

It is further ordered, That Amendment No. 3 to the original application-declaration filed by the Trustee herein be, and the same hereby is, approved and permitted to become effective for submission to the Court for final approval, subject to the provisions of Rule U-24 and to the further condition that the Trustee shall file herein a copy of the order or orders of the Public Service Commission of the State of New York approving said sales prior to the final consummation thereof.

It is further ordered and recited, That the transactions hereinafter specified and itemized, which are proposed by the Trustee and herein approved, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(1) The sale by ENYP to Niagara Mohawk of the properties included in the agreement dated September 24, 1952,

as amended, by and between the Trustee and Niagara Mohawk, on the terms set forth in said agreement.

(2) The sale by ENYP to New York Electric of the properties included in the agreement dated August 13, 1952, as amended, by and between the Trustee and New York Electric, on the terms set forth in said agreement.

(3) The sale by the Trustee to Niagara Mohawk of the interest of IHES in Corinth and Moreau on the terms set forth in the agreement dated September 25, 1952, as amended, by and between the Trustee and Niagara Mohawk.

(4) The application of the proceeds of the aforesaid sales by ENYP to the payment of ENYP's outstanding First Mortgage 3¼ percent Sinking Fund Bonds due December 1, 1961, and the call premium thereon.

(5) The application of the proceeds of said sales by ENYP to the retirement of ENYP's outstanding cumulative preferred stock.

(6) The distribution to IHES, in partial liquidation, of the residual proceeds of said sales by ENYP

(7) The application by the Trustee of the proceeds of his sale of the interest of IHES in Corinth and Moreau to the payment of the loan due from IHES to The Chase National Bank of the City of New York.

(8) The application by the Trustee of the proceeds received by IHES from ENYP as provided in item (6) above, to the payment of said loan due from IHES to The Chase National Bank of the City of New York.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-3371; Filed, Apr. 17, 1953; 8:48 a. m.]

[File No. 70-2829]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

MEMORANDUM OPINION AUTHORIZING SALES OF ELECTRIC PROPERTIES OF EASTERN NEW YORK POWER CORPORATION AND CERTAIN PORTFOLIO SECURITIES

APRIL 13, 1953.

This is a supplementary proceeding relating to the sale of certain assets held, directly or indirectly, by Bartholomew A. Brickley, Trustee of International Hydro-Electric System ("IHES") a registered holding company.

Early in 1952 the Trustee filed herein an application-declaration and two amendments thereto pursuant to sections 11 (d) and 12 (d) of the Public Utility Holding Company Act of 1935 ("the act") and Rule U-44 thereunder, stating that he had received certain offers for the properties of Eastern New York Power Company ("ENYP") a subsidiary of IHES, and for the interest of IHES in its minor subsidiaries Corinth Electric Light and Power Company ("Corinth") and Moreau Manufacturing Corporation ("Moreau") He requested that he be authorized to accept these offers subject to such further terms and conditions as he might approve, and subject also to the approval of all State regulatory commissions having jurisdiction in the premises, and subject to final approval by this Commission and by the United States District Court for the District of Massachusetts ("the Court") the enforcement court under whose appointment he serves as trustee. After a public hearing we issued on June 5, 1952, our findings and opinion to the effect that the consummation of the proposed sales would be an appropriate step in compliance with our section 11 (b)(2) order of July 21, 1942, for the liquidation and dissolution of IHES, but holding that our entry of an order of approval would be premature prior to the execution of definitive contracts by the Trustee and the proposed purchasers.[1]

On March 12, 1953 the Trustee filed Amendment No. 3 to said application-declaration stating that he had reduced to definitive contracts certain of the offers which we had already tentatively approved as aforesaid, and requesting our approval thereof subject to the further approval of the Court. It is this Amendment No. 3 which is now before us. The sales agreements which the Trustee therein proposes to consummate are as follows:

(1) Agreement dated September 24, 1952 whereby IHES will cause ENYP to sell and convey to Niagara Mohawk Power Company ("Niagara Mohawk") a non-affiliate, the Hudson River hydro-electric properties of ENYP in Warren, Saratoga and Washington counties, New York, together with certain lands and water rights of ENYP on the Grass and Black Rivers, in St. Lawrence and Jefferson counties, New York, for a cash consideration of $8,000,000;

(2) Agreement dated September 25, 1952 whereby IHES will sell, assign and transfer to Niagara Mohawk all interest of IHES in its minor subsidiaries Corinth and Moreau, for a cash consideration of $500,000;

(3) Agreement dated August 13, 1952 whereby IHES will cause ENYP to sell and convey to New York State Electric & Gas Corporation ("New York Electric") a non-affiliate, the Saranac Division properties of ENYP in Franklin and Clinton counties, New York, for a cash consideration of $5,600,000.

The Trustee states that, upon consummation of these sales, he proposes to apply the proceeds as follows: First, to the retirement of ENYP's First Mortgage Bonds 3¼ Percent Sinking Fund Series due 1961 ($7,886,000 principal amount at December 31, 1952) secondly either to the retirement of the preferred stock of ENYP ($3,000,000 par value) or as a distribution to IHES, or both. He further states that any amounts so received by IHES will be applied to the payment of its bank debt ($6,050,000 balance due at December 31, 1952).

The properties covered by these three agreements embrace all the properties, which the Trustee had proposed to sell except ENYP's interest in certain leased and undeveloped or partially developed lands, for the most part now leased to International Paper Company, which constitute the subject matter of other agreements to be considered by us in a separate filing.

We did not set down the subject-matter of Amendment No. 3 for public hearing, because the sales therein proposed had been fully considered at the public hearing held in 1952 and because it seemed to be generally agreed by the interested parties that consummation of these sales would be advantageous to the stockholders of IHES and in the public interest. We noticed the filing of the amendment pursuant to Rule U-23, affording to any interested person an opportunity to request, on or before April 6, 1953, that the matter be set down for public hearing.

On April 6, 1953, the City of Plattsburg, New York ("the City") filed a petition stating that it had commenced condemnation proceedings for the condemnation of two of the hydro-electric properties in ENYP's Saranac Division, which the Trustee has agreed to sell to New York Electric; and that on March 11, 1953, the Public Service Commission of the State of New York, in considering the proposed sale, had placed certain conditions upon the transfer of the Saranac properties to New York Electric. The City requests that a hearing be held to determine whether the proposed sale to New York Electric, as limited by the State commission, is in the public interest and consistent with the Holding Company Act, and "whether any sale is in the public interest until there is a determination of the questions of law involved under the General Municipal Law of the State of New York." No other requests for a public hearing have been received.

In our opinion of June 5, 1952, we referred to the rival bids of the City and of New York Electric for the Saranac Division properties. We noted that the bid of New York Electric was $100,000 more than that of the City, and that New York Electric had agreed to take title subject to the condemnation suit which the City was then threatening. We also noted the arguments of New York Electric that it has in Franklin and Clinton counties, New York, three times as many customers as there are within the City who depend upon the Saranac power, and that "there is grave doubt * * * as to the authority of the City to acquire the properties in question," which lie outside the City's limits and which supply power to a large service area outside the City. In our opinion we stated:

> We are of the opinion that the amount of either of the two offers does not appear to be unreasonable. Since the Trustee has expressed the desire to consult further with both offerors and to enter into a definitive contract with whichever may offer most advantageous terms to the estate of IHES, we see no reason why he should not do so.

After pursuing further the several offers, the Trustee executed the aforesaid contract of August 13, 1952, with New York Electric, the closing date of which has been extended from time to time pending the conclusion of the Trustee's

[1] Holding Company Act Release No. 11299.

negotiations for the sale of the remaining properties of ENYP

We see nothing in the contract of sale nor in the recent opinion of the State commission which diminishes in any respect the rights of the City. The Trustee's amendment discloses that in 1952 the City commenced a condemnation proceeding in the Supreme Court of Clinton County, New York, for condemnation of two of the hydro-electric properties in ENYP's Saranac Division; that in a related proceeding in the same court, New York Electric obtained an order enjoining the City from continuing its condemnation proceeding, from which order an appeal by the City is presently pending. The contract between the Trustee and New York Electric provides that ENYP will convey the properties to New York Electric "subject to any encumbrances resulting from the pendency of proceedings for the taking by eminent domain by the City of Plattsburgh of any of the properties conveyed;" that if on the closing date any of the properties have been taken by the City and ENYP has been awarded damages for such taking, ENYP will pay over to New York Electric the amount of the award in lieu of the property and that there shall be no adjustment of the purchase price by reason of such taking or proceedings therefor.

In the recent proceedings before the New York Public Service Commission relating to these sales, the City likewise requested the State commission to postpone its determination until the condemnation case has been decided. That Commission declined to do so. It found that the proposed transfers are in the public interest provided the proposed purchasers agree to certain conditions as to accounting entries and that New York Electric also agrees to share equitably the benefits which may arise from the low-cost Saranac hydro-electric power, with all present and future customers in the area, including the City of Plattsburgh. Such agreements are to be evidenced by resolutions of their respective boards of directors filed with that Commission within thirty days from March 11, 1953. We are informed that the requisite agreements of the purchasers have been filed and that an appropriate order or orders of the State commission approving the transfers may be expected shortly.

To accede to the City's request for a hearing to determine whether these proposed sales would be in the public interest, or whether any sales would be in the public interest until the City's right of condemnation under the New York laws is finally determined, would result in nothing but delay. The sales now before us are part of a single program of divestment by IHES, which the Commission has already found necessary and proper to effectuate compliance with its order for the dissolution of IHES as a holding company, pursuant to section 11 (b) (2) of the act. To delay the proposed sale to New York Electric would jeopardize the program and would call a halt to the administration of the federal act while the City is litigating its powers under State law. Nor would such delay be of any advantage to the City. Whatever rights the City may have, are fully preserved. If its asserted right of condemnation is ultimately sustained, it can exercise that right as fully against New York Electric as against ENYP.

We will therefore deny the City's request that the matter be set down for further hearing, and we will approve the sales as requested by the Trustee in his Amendment No. 3, subject however to the condition that the Trustee will file herein a copy of the State commission's order or orders approving said sales prior to his consummation thereof.

The Trustee has also requested that our order contain a recital that the proposed transactions are necessary or appropriate to effectuate the provisions of section 11 (b) of the act, in accordance with the requirements of the Internal Revenue Code, including sections 371 (f) and 1808 (f) thereof. Our order will contain such recital as requested.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-3370; Filed, Apr. 17, 1953; 8:48 a. m.]

[File No. 70-3024]

BLACKSTONE VALLEY GAS AND ELECTRIC CO. AND EASTERN UTILITIES ASSOCIATES

ORDER AUTHORIZING ISSUANCE AND SALE OF BONDS AT COMPETITIVE BIDDING AND PLEDGING OF ASSETS AND PORTFOLIO SECURITIES

APRIL 13, 1953.

Eastern Utilities Associates, a registered holding company, and its public utility subsidiary company, Blackstone Valley Gas and Electric Company ("Blackstone") having filed a joint application-declaration, and amendments thereto, pursuant to sections 6 and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-44 and U-50 promulgated thereunder, with respect to the following transactions:

Blackstone proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $5,800,000 principal amount of First Mortgage and Collateral Trust Bonds, __ percent Series, due 1983, and proposes to pledge as security therefor all of its assets (with certain specified exceptions) and its investments in the stock and debt securities of Montaup Electric Company, a subsidiary of Blackstone. The bonds will be issued under an Indenture of Mortgage and Deed of Trust, dated November 1, 1943, as supplemented by a First Supplemental Indenture, to be dated as of March 1, 1953, between Blackstone and State Street Trust Company, Boston, Massachusetts, and Howard B. Phillips as Trustees. The proceeds from the sale of the bonds will be used by Blackstone to repay, without premium, its short-term unsecured note indebtedness presently outstanding in the aggregate principal amount of $5,200,000 and to provide funds for the extension and improvement of its facilities.

The Public Utility Administrator of the Department of Business Regulation of the State of Rhode Island, the State Commission of the State in which Blackstone is organized and doing business, has expressly authorized the proposed issuance and sale of the bonds.

Applicants-declarants request that the Commission's order herein become effective upon issuance, and that the ten-day period for inviting bids, pursuant to Rule U-50, with respect to said bonds be shortened to a period of not less than six days.

Due notice having been given of the filing of the application-declaration and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith without the imposition of terms and conditions, other than those specified below:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the following additional terms and conditions:

(1) That the proposed sale of bonds by Blackstone shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, shall have been made a matter of record in this proceeding and a further order shall have been entered by the Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate;

(2) That jurisdiction be, and hereby is, reserved with respect to the payment of all legal fees and expenses, including expenses for qualification of the bonds under Blue Sky Laws and fees and expenses of counsel for the underwriters, incurred or to be incurred in connection with the proposed transactions.

It is further ordered, That the ten day period for inviting bids, pursuant to Rule U-50, with respect to said bonds be, and hereby is, shortened to a period of not less than six days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-3373; Filed, Apr. 17, 1953; 8:48 a. m.]

[File No. 70-3034]

WISCONSIN MICHIGAN POWER CO.

NOTICE OF FILING REGARDING PURCHASE CONTRACT FOR PROPOSED ACQUISITION OF UTILITY ASSETS

APRIL 13, 1953.

Notice is hereby given that Wisconsin Michigan Power Company ("Wisconsin Michigan"), a public utility subsidiary of Wisconsin Electric Power Company,

a registered holding company and also a public utility company, has made a filing under the Public Utility Holding Company Act of 1935 ("act") with this Commission with respect to a proposed transaction which is summarized below.

Wisconsin Michigan has entered into a Purchase Contract with Kingsford Chemical Co., ("Kingsford") a non-affiliated company, under which Wisconsin Michigan has agreed to purchase from Kingsford a hydro-electric plant and dam and certain related facilities. The plant is near Kingsford, Michigan, and is situated on the Menominee River, a boundary stream adjoining the States of Wisconsin and Michigan, and in territory served by Wisconsin Michigan.

Wisconsin Michigan states that it is in need of additional generating capacity in order to meet its growing electric service loads. The hydro-electric plant proposed to be acquired has an installed rated capacity of 7,200 kilowatts. Although Wisconsin Michigan presently purchases a substantial portion of the energy generated at the Kingsford plant under a temporary arrangement with Kingsford, Wisconsin Michigan has no assurance that such an arrangement will continue. Wisconsin Michigan believes that the proposed acquisition of the plant will be in the best interests of the Company and the consumers served by it because the Company can thereby assure itself of the continued availablity of the additional capacity and because it will enable better coordination of the plant's output with the requirements of Wisconsin Michigan's electric system.

The Purchase Contract provides for a purchase price of $1,522,000, including principal of $1,253,280 and the balance representing interest on deferred payments, of which principal amount $100,000 is to be paid in cash at the time the Company takes possession of the plant, with additional payments to be made over a twelve-year period amounting to 3.75 mills per kilowatt-hour of energy generated at the plant, such payments being subject to certain adjustments as provided for in the Purchase Contract.

Wisconsin Michigan states that the proposed transaction is subject to the jurisdiction of the Public Service Commission of Wisconsin, the Michigan Public Service Commission and the Federal Power Commission. It also states that if the Purchase Contract is not a "security" within the meaning of section 2 (a) (16) of the act, this Commission has no jurisdiction over the proposed transaction. Wisconsin Michigan is of the view that the Purchase Contract does not constitute the issuance and sale of a security but is merely a contract for the purchase of utility assets which provides for deferred payments of the purchase price. However, Wisconsin Michigan states that if this Commission determines the contract is a security, section 6 (a) and 7 of the act are applicable to the transaction, unless exempted pursuant to the third sentence of section 6 (b) and in addition, that Rule U-50 will be applicable to the sale of such security.

If the Commission determines that the Purchase Contract is a security, Wisconsin Michigan requests an exemption from section 6 (a) pursuant to the third sentence of section 6 (b) of the act, because the issuance and sale of such security is stated to be solely for the purpose of financing the business of the Company and the orders of the Michigan Public Service Commission and the Public Service Commission of Wisconsin will expressly authorize the issue and sale thereof. It is further requested that the proposed transaction be exempted from the competitive bidding requirements of Rule U-50.

Notice is further given that any interested person may, not later than April 28, 1953, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 28, 1953, if the Commission determines that the proposed transaction is subject to its jurisdiction under the act, the filing may be treated as an application-declaration and, as filed or as amended, may be granted, or permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-3367; Filed, Apr. 17, 1953; 8:47 a. m.]

[File No. 70-3036]

NEW JERSEY POWER & LIGHT CO.

NOTICE OF FILING OF PROPOSAL TO ISSUE AND SELL BONDS

APRIL 14, 1953.

Notice is hereby given that New Jersey Power & Light Company ("NJP&L") a public utility subsidiary of General Public Utilities Corporation ("GPU") a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated section 6 (b) of the act and Rule U-50 thereunder as applicable to the proposed transaction which is summarized as follows:

NJP&L proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $5,500,000 principal amount of First Mortgage Bonds, __ percent Series, due May 1, 1983, to be issued under and secured by NJP&L's indenture dated as of March 1, 1944, as heretofore supplemented and to be supplemented by an indenture to be dated as of May 1, 1953. The interest rate and the price to be paid to NJP&L are to be determined by the competitive bidding.

The filing states that the proceeds from the sale of the bonds will be used to repay $3,545,000 of short-term notes and to finance, in part, NJP&L's construction program, including the reimbursement of its treasury for expenditures made therefrom for such purpose. The estimated fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment.

The filing also states that no State or Federal regulatory body other than the Board of Public Utility Commissioners of the State of New Jersey and this Commission, has jurisdiction over the proposed transaction and that the issuance and sale of bonds will be solely for the purpose of financing the business of NJP&L, and is expected to be expressly authorized by the Board of Utility Commissioners of the State of New Jersey. It is requested that the Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than May 1, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-3366; Filed, Apr. 17, 1953; 8:47 a. m.]

[File No. 70-3037]

NEW JERSEY POWER & LIGHT CO.

NOTICE OF PROPOSAL TO ISSUE AND SELL TO BANKS AGGREGATE AMOUNT OF UNSECURED NOTES

APRIL 14, 1953.

Notice is hereby given that New Jersey Power & Light Company ("NJP&L"), a public utility subsidiary of General Public Utilities Corporation ("GPU"), a registered holding company, has filed an application pursuant to the Public Utility Holding Company of 1935 ("act") particularly the first sentence of section 6 (b) thereof, proposing that NJP&L issue and sell to one or more banks, on or before May 14, 1953, its unsecured notes in the aggregate principal amount of $3,545,000. Such notes will bear interest at the prime rate for commercial borrowing at the date of issuance and sale (but not in excess of 3¼ percent per annum, except as hereinafter provided) and will

mature not more than six months after such date.

The filing states that the prime interest rate for commercial borrowing is now 3 percent per annum. It also states that if such interest rate would be in excess of 3¼ percent per annum at the time of issuance of any note NJP&L will, at least five days prior to the date of issuance of such note, file with the Commission a supplemental statement setting forth the interest rate thereof and all other pertinent details thereof, and that NJP&L will not issue said note unless either (a) no notice shall have been given to NJP&L by the Commission within said five-day period that the Commission deems further proceedings required with respect to the subject matter of the application or (b) notice shall have been given to NJP&L by the Commission within said five-day period that no further proceedings are required with respect to the subject matter of the application.

The amount of notes to be issued will exceed the amount of short-term notes which the company may issue without action of the Commission, such latter amount being 5 percent of the principal amount and par value of its other securities now outstanding. The company states that the proceeds of the sale of the notes will be applied to the payment of the company's unsecured notes maturing May 14, 1953, now outstanding in the principal amount of $3,545,000, which notes were issued in connection with its construction program. Upon consummation of the proposed transactions, the company will have outstanding unsecured short-term indebtedness in an amount equivalent to approximately 10 percent of its secured indebtedness and capital stock.

NJP&L states that it has been postponing long-term debt financing until it receives certain rate relief in a proceeding now pending before the Board of Public Utility Commissioners of the State of New Jersey; that it will pay the unsecured notes for the issuance of which authority is sought herein, with a portion of the funds derived from a recent cash contribution to the company's capital by GPU and from the proceeds of the sale of bonds expected to be made in 1953 following the issuance of the decision in the rate proceeding mentioned above.

The filing states that no State or Federal regulatory commission other than this Commission has jurisdiction over the proposed transaction and that the expenses, including counsel fees, in connection with such transactions are estimated at $500. It is requested that the Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than April 28, 1953, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100, thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-3369; Filed, Apr. 17, 1953; 8:47 a. m.]

[File No. 812-820]

AMERICAN RESEARCH AND DEVELOPMENT CORP. AND BAIRD ASSOCIATES, INC.

NOTICE OF APPLICATION

APRIL 14, 1953.

American Research and Development Corporation ("Research") 200 Berkeley Street, Boston, Massachusetts, and Baird Associates, Inc. ("Baird") Cambridge, Massachusetts, have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 requesting an order exempting from the provisions of section 17 (a) of that act the transactions hereinafter described.

Research, a registered, closed-end investment company, owns 2,550 shares (33.6 percent) of Baird's 7,600 outstanding shares of no par value common stock and 2,550 (68 percent) of Baird's 3,750 outstanding 5 percent cumulative $100 par value preferred stock. On the basis of these facts, Research and Baird are affiliated persons of each other and Research is presumed to control Baird within the meaning of the act.

The principal business of Research is investigation and research with respect to new or existing enterprises, processes and products and to furnish capital to and purchase securities of companies engaged in the conduct or development of new or existing enterprises, processes and products. Baird is engaged principally in the manufacture of spectrochemical instruments for use in industry, and also in the conduct of research in optics, spectroscopy and other fields. Baird was organized in 1946 by Walter S. Baird and John Sterner, who now hold in the aggregate 3,850 shares, or 50.7 percent, of the common stock of Baird but none of its preferred stock. Research first acquired securities of Baird in 1947. For the six-year period ended September 30, 1952, the aggregate net profits after taxes of Baird amounted to $134,016. Baird has paid all dividends on its preferred stock for the same period, although frequently in arrears, but has never paid dividends on its common stock. However, for the four months ended January 31, 1953, Baird has suffered a net loss of $51,018.59. Baird has also outstanding short-term bank notes whose maturities have been extended to April 27, 1953, upon the understanding that further equity capital would be sought to retire said loans.

Baird has proposed a plan of recapitalization which contemplates that a stockholders' meeting will be held: (1) To authorize the issuance of 2,500 additional shares of no par value common stock in exchange for the 3,750 shares of preferred outstanding; (2) to cancel the preferred stock so exchanged; (3) to convert the then outstanding 10,100 shares of no par value common stock into 90,900 shares of $1 par value common stock; (4) to authorize 209,100 additional shares of $1 par value common stock; and (5) to authorize the private sale for cash of not less than 60,000 nor more than 75,000 of such 209,100 shares of $1 par value common stock; and to issue as compensation for services in formulating the plan and for making the private placement a number of common shares equal to 10 percent of the shares so sold.

It is stated that persons holding over 97 percent of the Baird common and preferred stocks are parties to an agreement pursuant to which they will vote in favor of the plan and to make such exchanges of stock as may be necessary to effectuate the plan. The remaining Baird stockholders who are not parties to the above agreement will deposit with Baird their preferred stock for exchange and their consents to the plan (including proxies) The plan also provides that Baird will enter into an advisory agreement with Research to run for a period of three years with compensation to Research at the rate of $12,000 per year. The consummation of the plan is contingent upon the private placement of the new Baird common stock and the resultant acquisition of at least $600,000 in additional equity capital. In this connection, Harris, Upham & Co. will enter into a best-efforts agreement with Baird to place privately 60,000 shares of the new common stock at $10 per share and will receive as compensation for its services such number of common shares as equals 10 percent of the shares sold. The proceeds of such private sale will be applied to the retirement of the bank loans and for use as additional working capital. The plan will decrease the holdings of Messrs. Baird and Sterner in Baird from 50.7 percent of the present outstanding common to 22.1 percent of the new common stock. Research will then hold 33,250 shares or 24.4 percent of the new common stock.

The application states that the primary objective of the plan is Baird's acquisition of at least $600,000 additional working capital which is considered essential to that company's continued success. Such acquisition will permit expansion of operations and production economies, as well as shortened delivery time and larger inventories which will improve Baird's competitive position. Baird's preferred dividends have from time to time constituted a burden during its growth and the retirement of the bank loans and the elimination of the preferred stock will eliminate fixed charges of approximately $35,000. The proposed exchange of preferred for common stock will give the present preferred stockholders increased participation in earnings to the extent that those earnings exceed 5 percent on the outstanding common stock after consummation of the plan. Research considers the immediate necessity for bank loan retire-

ment and additional working capital to be adequate consideration for its exchange of preferred for common stock on the basis set forth above in the light of the broadening of ownership and of the redistribution of the voting power and participation in earnings.

The foregoing transactions involve the sale and purchase of securities between Research and Baird which are prohibited by section 17 (a) of the act unless an exemption therefrom is granted by the Commission pursuant to section 17 (b) of the act. It is urged that the standards of section 17 (b) are met in that the terms of the proposed transactions are fair and reasonable and do not involve overreaching on the part of any person concerned, and that the transactions are consistent with the policies of Research as recited in its registration statement and reports filed under the act and with the general purposes of the act.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the offices of the Commission at Washington, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after April 30, 1953, unless prior thereto a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may not later than April 28, 1953, at 5:30 p. m., e. s. t., submit in writing to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request in writing that the Commission order a hearing to be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-3365; Filed, Apr. 17, 1953; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27989]

COILED IRON AND STEEL RODS FROM PENNSYLVANIA TO KANSAS CITY, MO.-KANS.

APPLICATION FOR RELIEF

APRIL 14, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by L. C. Schuldt, Agent, for carriers parties to schedule listed below.

Commodities involved: Rods, coiled, iron or steel, carloads.

From: Specified points in Pennsylvania.

To: Kansas City, Mo.-Kans.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: L. C. Schuldt, Agent, I. C. C. No. 4238, Supp. 78.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F R. Doc. 53-3332; Filed, Apr. 16, 1953; 8:50 a. m.]

[4th Sec. Application 27990]

BRICK AND RELATED ARTICLES FROM IOWA TO MINNESOTA

APPLICATION FOR RELIEF

APRIL 14, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by W J. Prueter, Agent, for carriers parties to schedules listed below.

Commodities involved: Brick and related articles, also drain tile, carloads.

From: Sioux City and Sergeant Bluff, Iowa.

To: Points in Minnesota on and south of the line of the Chicago, Milwaukee, St. Paul and Pacific Railroad extending from St. Paul-Minneapolis to Ortonville.

Grounds for relief: Rail competition, circuity and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C&NW Ry. I. C. C. Nos. 11226 and 11256, Supps. 1 and 4. CMStP&P RR. I. C. C. No. B-7535, Supp. 72. CStPM&O Ry. I. C. C. No. B-4871, Supp. 3. GN Ry. I. C. C. Nos. A-8114 and A-7678, Supps. 57 and 27. IC. RR. I. C. C. No. A-11697, Supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-3333; Filed, Apr. 16, 1953; 8:50 a. m.]

[4th Sec. Application 27991]

CLAY OR SHALE CINDERS BETWEEN ILLINOIS AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

APRIL 15, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by W J. Prueter, Agent, for carriers parties to schedules listed below.

Commodities involved: Cinders, clay or shale, carloads.

Between: Points in Illinois and western trunk-line territories.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. J. Hennings, Alternate Agent, I. C. C. No. A-3944, Supps. 9 and 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-3383; Filed, Apr. 17, 1953; 8:49 a. m.]

[4th Sec. Application 27992]

FERTILIZER COMPOUNDS FROM LOUISIANA AND TEXAS TO CERTAIN POINTS IN ILLINOIS AND MISSOURI

APPLICATION FOR RELIEF

APRIL 15, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer compounds, carloads.

From: Doyline, La., Lake Charles and West Lake Charles, La., Etter, Fort Worth, Houston, and Lone Star, Tex.

To: Alton and East St. Louis, Ill., Machens, St. Louis, and West Alton, Mo.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, Supp. 110.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-3384; Filed, Apr. 17, 1953; 8:49 a. m.]

[4th Sec. Application 27993]

TANKAGE FROM OPELOUSAS, LA., TO ATLANTA, GA.

APPLICATION FOR RELIEF

APRIL 15, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Tankage, other than feeding, carloads.

From: Opelousas, La.

To: Atlanta, Ga.

Grounds for relief: Rail and market competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates; F. C. Kratzmeir, Agent, I. C. C. No. 3746, Supp. 111.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-3385; Filed, Apr. 17, 1953; 8:49 a. m.]

[4th Sec. Application 27994]

BORINGS, FILINGS OR TURNINGS, IRON OR STEEL, FROM BELOIT, WIS., TO EMCO, ALA.

APPLICATION FOR RELIEF

APRIL 15, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Borings, filings, or turnings, iron or steel, carloads.

From: Beloit, Wis.

To: Emco, Ala.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 741, Supp. 36.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest; and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-3386; Filed, Apr. 17, 1953; 8:49 a. m.]

[4th Sec. Application 27995]

SAND FROM ILLINOIS TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

APRIL 15, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. G. Raasch, Agent, for carriers parties to schedules listed below.

Commodities involved: Sand, in carloads.

From: Ottawa, Millington, Oregon, Sheridan, Utica, and Wedron, Ill.

To: Destinations in southern territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 741, Supp. 36; R. G. Raasch, Agent, I. C. C. No. 776, Supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-3387; Filed, Apr. 17, 1953; 8:49 a. m.]

[4th Sec. Application 27996]

RAIL-MOTOR-RAIL RATES ON NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY BETWEEN EDGEWATER AND ELIZABETH, N. J., AND CONNECTICUT, MASSACHUSETTS, AND RHODE ISLAND

APPLICATION FOR RELIEF

APRIL 15, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by The New York, New Haven and Hartford Railroad Company and motor carriers listed in the application.

Commodities involved: Various commodities in semi-trailers, also empty semi-trailers, loaded in flat cars.

Between: Edgewater and Elizabeth, N. J., on the one hand, and Bridgeport, Hartford, New Haven and New London, Conn., Boston, Springfield, and Worces-

ter, Mass., and Providence, R. I., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-3388; Filed, Apr. 17, 1953; 8:50 a. m.]

[4th Sec. Application 27997]

AUTOMOBILE BUMPERS AND FITTINGS FROM NEWTON FALLS, OHIO, AND NEW CASTLE, PA., TO POINTS IN TRUNK-LINE AND NEW ENGLAND TERRITORIES

APPLICATION FOR RELIEF

APRIL 15, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 17220.

Commodities involved: Bumpers and bumper fittings, automobile, carloads.

From: New Castle, Pa., and Newton Falls, Ohio.

To: Points in trunk-line and New England territories.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F R. Doc. 53-3389; Filed, Apr. 17, 1953; 8:50 a. m.]

[4th Sec. Application 27998]

RUBBER FROM OHIO, WEST VIRGINIA AND MICHIGAN TO ALABAMA AND TENNESSEE

APPLICATION FOR RELIEF

APRIL 15, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4510, pursuant to fourth-section order No. 17220.

Commodities involved: Rubber, artificial, guayule, natural, neoprene, or synthetic, crude, carloads.

From. Points in Ohio, West Virginia, and Michigan.

To: Nashville and White Bridge, Tenn., Tuscaloosa and Robbins, Ala.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F R. Doc. 53-3390; Filed, Apr. 17, 1953; 8:50 a. m.]